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# DISSERTATIONS

AND

## DISCUSSIONS:

Political, Philosophical, and Historical

BY

JOHN STUART MILL

VOL. V.



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# DISSERTATIONS,

ETC.

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## ENDOWMENTS.\*

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A FEW years ago, the question which required to be argued on the subject of endowments, was the right of the State to interfere with them: not merely the right to bring them back to their original purpose when by the corruption or negligence of the managers it had been departed from, but the right to change altogether the application designed by the founder. This question now scarcely needs further argument. Discussion, and the progress of political thought, have done their work. We have well-nigh seen the last of the superstition which allowed the man who owned a piece of land or a sum of money five hundred years ago, to make a binding disposition determining what should be done with it as long as time or the British nation should last; which, after limiting an owner's power to tie up his property in favour of individuals to the term of a single generation, thinks it spoliation to disobey his orders after the lapse of centuries, when their apparent purpose is

\* *Fortnightly Review*, April 1869.

connected with religion or charity. These prejudices had nearly ceased to be formidable, even before they received their death-blow from the triumphant passage through the House of Commons of the proposal for disendowing the Irish Protestant Church. Whoever voted, or would vote, for that great measure of justice and common sense, indicates his opinion that the jurisdiction of the State over Endowments extends, if need be, to an entire alteration of their purposes; and even those whose political or ecclesiastical partisanship ranges them on the other side, find it consistent with their principles to propose alternative plans, as subversive as disendowment itself of the legal rights vested by the endowment in collective or fictitious public persons. There is, as on all other great questions, a minority behind the age; which is as natural as that there should be minorities in advance of it. But with the bulk of the nation the indefeasibility of endowments is a chimera of the past; so much so, that those who fought hardest against this superstition when it was alive, are now likely to find themselves under the obligation, not of re-arguing a gained cause, but rather of checking the reaction to a contrary extreme, which so generally succeeds the defeat of an old error, when the conflict has been long.

Such a reaction, in fact, is already commencing. Some of the most effective and valuable champions of State authority over Endowments are claiming assent to doctrines which go far beyond providing for the

due application to public uses of funds given for the public benefit. Some go the length of maintaining that endowments, or certain great classes of them at least, even when their purposes have not ceased to be useful, are altogether an evil, as the purposes would be better attained without them. Others stop short of this, but recommend that it should be unlawful to make endowments for any public purpose, except through the medium, and subject to the discretion, of the Government for the time being, or of an authority responsible to Parliament, and to those by whom parliaments and governments are made. In a paper in all other respects deserving of high eulogium.\* Mr. Fitch—one of the men whose personal investigations have most largely contributed to make known the abuses of endowments—is not content with calling on statesmen to “estimate the enormous mischief which is done in England under the name of benevolence,” and to “see the need of a more energetic and organised supervision of all public charities,” but urges them “to go a step farther, and, while permitting the free exercise of testamentary rights *as between persons and persons*, make it illegal to devote any money to public objects except through the agency of some recognised body, which is amenable to public control. Is it too much to expect,” asks Mr. Fitch, “that we shall soon see the wisdom of restraining the power of private persons to tamper

\* “Educational Endowments,” *Fraser's Magazine*, for January, 1869, p. 11.

with any one of those great national interests such as education and the relief of the poor, which demand organisation and fixed principles, and which still more imperatively demand complete readjustment from time to time, in accordance with the supreme intelligence and will of the nation, as represented in Parliament?"

It would be both unfair and unreasonable to impute to Mr. Fitch, as a settled conviction, the doctrine here incidentally thrown out—a doctrine breathing the very spirit, and expressed in almost the words, of the apologies made in the over-centralised governments of the Continent for not permitting any one to perform the smallest act connected with public interests without the leave of the Government. But when such a maxim finds its way to the public under such auspices, it is time to enter a protest in behalf of those "private persons" whose power of public usefulness Mr. Fitch estimates so lightly, but whose liberty of making themselves useful in their own way, without requiring the consent of any public authority, has mainly contributed to make England the free country she is; and whose well-directed public spirit is covering America with the very institutions which her state of society most needs, and was least likely in any other manner to get—institutions for the careful cultivation of the higher studies. Whether endowments for educational purposes are a good or an evil is a fair question for argument, and shall be argued presently. But the reason by which Mr.

Fitch supports his doctrine—namely, that as education and the relief of the poor require organisation and fixed principles, no tampering with them by private persons should be allowed—would avail equally against allowing any private person to set up and support a school, or to expend money in his lifetime on any plan for the benefit of the poor. Such doctrines lead straight to making education and beneficence an absolute monopoly in the hands of, at the best, a parliamentary majority; that is, of an executive government making itself habitually the organ of the prevalent opinion in the country, but liable to spasmodic fits of interference by the country's more direct representatives. It is hardly necessary to say that Mr. Fitch cannot intend this; but it is those who do not intend a bad principle, but only a particular consequence of it, that usually do the work of naturalising the principle, and making it one of the moving forces in society and government.

While there are few things more true, under due limitations, there are few which in the present day it does more mischief to speak unguardedly about, than the "organisation" and "fixed principles" required in everything which aims at producing a public benefit. It is desirable that every particular enterprise for education or other public objects should be organised; that is, its conductors should act together for a known object, on a definite plan, without waste of strength or resources. But it is far from desirable that all such enterprises should be organised exactly alike; that

they all should use the same means for the attainment of exactly the same immediate ends. And Mr. Fitch himself, as we saw, reinforces his argument drawn from the necessity of "fixed principles," by another grounded on the importance of unfixing those fixed principles from time to time.

The truth needs reasserting, and needs it every day more and more, that what the improvement of mankind and of all their works most imperatively demands is variety, not uniformity. What is called tampering by private persons with great public interests, as if it meant obstructing the Government in what it thinks fit to do for public uses with the funds at its disposal, means trying to do with money of their own something that shall promote the same objects better. It is tampering as those tamper with the religion of the country who build nonconformist chapels. It is healthy rivalry. If the law duly protects these private establishments against interested misappropriation of their funds, many of them will probably do better in some respects, some perhaps better on the whole, than institutions held to "fixed principles" laid down by an Act of Parliament, or by the opinion of the majority. At all events, whether they do or not, they are necessary for the just protection of minorities, whose portion in the public interest deserves the attention of majorities equally with their own, but is far less likely to obtain it.

All this, though its importance is seldom adequately felt but by those who are directly interested in it, is



not likely to be called in question, so far as it affects men's employment of their property during their own lifetime. But there is no reason why respect for the free agency of individuals should stop there, unless the power of bequest itself is a nuisance, and ought to be abated. If it is right that people should be suffered to employ what is lawfully their own in acts of beneficence to individuals taking effect after their death, why not to the public? There is good reason against allowing them to do this in favour of an unborn individual whom they cannot know, or a public purpose beyond the probable limits of human foresight. But within those limits, the more scope that is given to the varieties of human individuality, the better. Since trial alone can decide whether any particular experiment is successful, latitude should be given for carrying on the experiment until the trial is complete. For the length of time, therefore, which individual foresight can reasonably be supposed to cover, and during which circumstances are not likely to have so totally changed as to make the effect of the gift entirely different from what the giver intended, there is an obvious propriety in abiding by his dispositions. To set them aside, unless at the command of a still higher principle, is an offence both against liberty and against property. And all that the higher principle requires is, that a term, not too distant, should be fixed—I will not decide that it should be half a century or a century, or even whether it should be the same for all descriptions of endowments—but

a term at the expiration of which their appropriation should come under the control of the State, to be modified, or entirely changed, at its discretion; provided that the new purpose to which they may be diverted shall be of a permanent character, to remove the temptation of laying hands on such funds for current expenses in times of financial difficulty.

I am not contending that there should be no limit to the right of making endowments, except a limit of time. There are strong reasons against permitting them to be so made as to tie up land from alienation. It is a matter of course that they should not be permitted for any purpose definitely illegal. I say "definitely," because the English common law has a number of vague formulæ under cover of which almost anything of which the judge disapproves may be declared unlawful. But there are also employments of money which have so mischievous an effect, that they would most likely be prohibited, if it could be done without improper interference with individual liberty; and such an application of funds, though the State may be obliged to tolerate, it may be right that it should abstain from enforcing, on the mandate of the owner, after his death. Of this sort are most of the so-called doles; indiscriminate distributions of sums of money among the poor of a particular place or class, the effect of which may be to pauperise and demoralise a whole neighbourhood. In such cases, until the expiration of the term during which testamentary directions in general may be allowed to be

valid, the intention of the testator should be respected so far as it is not mischievous; the departure from it being limited to the choice of an unobjectionable mode of doing good to the persons, or the sort of persons, whom he intended to benefit; as, for instance, by appropriating to a school for children what was destined for alms. And it is important that even this minor degree of interference should be exercised with great reserve. The State is not entitled to consider, so long as the fixed term is unexpired, what mode of employing the money would be most useful, or whether it is more wanted for other purposes. No doubt this would often be the case; but the money was not given to the State, nor for general uses. Nothing ought to be regarded as a warrant for setting the donor's dispositions prematurely aside, but that to permit their execution would be a clear and positive public mischief.

What tempts people to see with complacency a testator's dispositions invalidated, is the case of what are called eccentric wills—bequests determined by motives, and destined for purposes, with which they do not sympathise. And this propensity to count the wishes of the owner of the property for little or nothing, when they are unlike those which we think we should ourselves have had in his place, does not stop at public endowments, but extends to any large bequest in favour of an individual, which departs ever so little from the common practice of the common world. But does not this genuine intolerance of the

majority respecting other people's disposal of their property after death, show how great is the necessity for protection to the rights of those who do not make resemblance to the majority their rule of life? A case of bequest which has been much noticed in the newspapers, and of which it is still uncertain whether it will be allowed to take effect, strikingly exemplifies this need. A person left a sum of money by will to found an hospital for the treatment of the diseases of the lower animals, particularly birds and quadrupeds. He made the mistake of appointing as trustee for the purposes of the endowment, the University of London—a body constituted for special objects, and which could not with propriety undertake a duty so remote from the ends of its appointment. But can it be pretended that an hospital such as was designed by the testator, would not be a highly useful institution? Even if no regard were due to the animals themselves, is not the mere value of many of them to man, and the light which a better study of their physiology and pathology cannot fail to throw on the laws of animal life and the diseases of the human species, sufficient to make an institution for that study not merely useful, but important? When one thinks of this, and then considers that no such institution has ever been established in Europe; that a person willing to employ part of his superfluities in that way, is not born once in several centuries; and that, now when one has been found, the use he makes of what is lawfully his own is a subject of contemptuous jeering,

and an example held up to show the absurdities of testators and the folly of endowments; can one desire a more conclusive evidence of what would happen if donations for public purposes were only valid when the purposes are consonant to the opinion of the majority? Who knows if even the Cornell University with its "eccentric" provision that every student attending the University must work bodily for his living, would at present have been more than a project, if its realisation had depended on the will of the Government, or of an authority accountable to the majority?

Because an endowment is a public nuisance when there is nobody to prevent its funds from being jobbed away for the gain of irresponsible administrators; because it may become worse than useless if irrevocably tied up to a destination fixed by somebody who died five hundred years ago; we ought not on that account to forget that endowments protected against malversation, and secured to their original purpose for no more than two or three generations, would be a precious safeguard for uncustomary modes of thought and practice, against the repression, sometimes amounting to suppression, to which they are even more exposed as society in other respects grows more civilised. The fifty or hundred years of inviolability which I claim for them, would often suffice, if the opinion or practice is good, to change it from an uncustomary to a customary one, leaving the endowment fairly disposable for another use. Even when

the idea embodied in the endowment is not an improvement, those who think it so are entitled to the opportunity of bringing it to a practical test. The presence of such attempts to promote the general well-being by means diverging from the common standard, keeps discussion alive, and obliges the prevailing opinions and customs to seek support from their own merits, and not from a blind acceptance of existing facts.

Some further observations require to be made on educational endowments, which are in some respects a peculiar case. Of these it cannot be said, in the present day at least, that they provide what, but for them, would not be provided at all. Education there would still be, and the real question is one of quality. Neither, again, has the argument, so important in other cases, of the protection due to uncustomary opinions, more than a limited application here. A very small minority is able to support a private school suitable to its requirements; and it might even seem that minorities are never in so much danger of being left out, as in the case of endowed institutions for education, which are usually more or less bound to opinions widely prevalent, and which, when the time has come for bringing them under the control of the State, fall into the power of the majority. This danger is very serious, when State institutions, or endowments under State superintendence, have a monopoly of education, or when those who are there educated have, as they have usually had, legal pre-

ferences or advantages over other people. But if endowed institutions, originally of a national character, or which have become so by the expiration of the term of inviolability, are open to all alike; and open in the only true sense, that is, with full liberty to refuse one part of the teaching while accepting another part; minorities would enjoy all the benefits that the endowments could give, while retaining the full power of providing, at their own cost, any education which they may consider preferable.

The question of educational endowments resolves itself into this: Is education one of those marketable commodities which the interest of rival dealers can be depended on for providing, in the quantity and of the quality required? Is education a public want which is sufficiently met by the ordinary promptings of the principle of trade? I should be the last to speak with sentimental disparagement of trade or its achievements, or to imagine that the motives which govern it can safely be dispensed with in any great department of the service of mankind. But the question is not quite fairly stated in the disjunctive programme, "Endowment or Free-Trade." Endowment *and* Free-Trade is the thing contended for. That there should be free competition in education; that law, or the State, when it prescribes anything on the subject, should fix what knowledge should be required, but not from whom it shall be procured, is essential to civil and political freedom. But will this indispensable free-trade in education provide what is

wanted, better without than with the help, example, and stimulus of education aided by endowments?

There are many things which free-trade does passably. There are none which it does absolutely well; for competition is as rife in the career of fraudulent pretence as in that of real excellence. Free-trade is not upheld, by any one who knows human life, from any very lofty estimate of its worth, but because the evils of exclusive privilege are still greater, and what is worse, more incorrigible. But the capacity of free-trade to produce even the humblest article of a sufficient degree of goodness, depends on three conditions: First, the consumer must have the means of paying for it; secondly, he must care sufficiently for it; thirdly, he must be a sufficient judge of it. All three conditions are signally wanting in the case of national education. The first case, that of inability to pay, now, happily, requires only a passing notice. That those who are too poor to pay for elementary instruction, should have it paid for by others for them, has, after a battle of above half a century, taken its place in opinion among admitted national necessities. But the concession of this is the concession of all the rest, at least in principle; for, if those whom poverty disables from obtaining instruction by themselves ought to be helped to it by others, either because it is the interest or the duty of those others to take care that they have it, why not also those in whose case the obstacle is not the poverty, but the ignorance or selfishness of parents? With respect to the other



two requisites—that the customer should care for the commodity, and that he should be able to judge of it—the tale is soon told. As a general rule, subject to exceptions, the wishes of parents in regard to the instruction of their children are determined by two considerations. First, what will bring in a direct pecuniary profit. Of this they think themselves judges, though most of them judge even of this very incompetently, being unable to see how any studies, except the direct practice of a business, can conduce to business success. Of other kinds of instruction they neither are, nor consider themselves to be, judges; and on these their rule of action is that by which they are guided in most other things of which they are personally ignorant—the custom of their class of society. If we desire, therefore, that the education of those who are above poverty, but who are not, for their own bane and that of others, predestined to idleness, should have any better guide than an extremely narrow conception of the exigencies of a business life, we must apply ourselves to the other of the two levers by which those we seek to act upon can be moved; we must introduce a better custom. It must be made the fashion to receive a really good education. But how can this fashion be set except by offering models of good education in schools and colleges within easy reach of all parts of the country? And who is able to do this but such as can afford to postpone all considerations of pecuniary profit, and consider only the quality of the education; either because, like the

English Universities, they are certain of sufficient customers, or because they have the means of waiting many years till the time comes which shall show that the pupils they have trained are more than ordinarily fitted for all the uses of life? The funds for doing this can only be derived from taxation or from endowments; which of the two is preferable? Independently of the pecuniary question, schools and universities governed by the State are liable to a multitude of objections which those that are merely watched, and, in case of need, controlled by it, are wholly free from; especially that most fatal one of tending to be all alike; to form the same unvarying habits of mind and turn of character.

The abuses of endowments are flagrant, monstrous, and wholly inexcusable. But what funds, public or private, would not be a prey to malversation if the law took no notice of it; or if, though the law was what it ought to be, there was no individual whose interest and no public officer whose duty it was to put the law in force? There is surely nothing visionary in imagining these things remedied. It cannot be impossible, where there is the will, to prevent public funds from being diverted to private pockets. Nor can it be doubted that the variety of endowed institutions, and the influence of the State exerted within its proper limits, would ensure adequate provision for including in the course of education (either everywhere or only somewhere, according to the necessities of the case) whatever has any just claim to form a

part of it. What is feared is, that the teacher's duty will be idly and inefficiently performed if his remuneration is certain, and not dependent on pupils and their payments. The apprehension is well grounded. But where is the necessity that the teacher's pay should bear no relation to the number and proficiency of his pupils? In the case of an ordinary schoolmaster, the fees of pupils would always be a part, and should generally be the greatest part, of his remuneration. In an university, or a great public school, even if the fees go to the collective body, it is not a law of nature that every tutor or professor should be paid neither more nor less than a fixed sum. Could anything be easier than to make the whole, or a large part, of his remuneration proportional to the number of those who attended his teaching during an entire term, or during a year? And would it be impossible that he should receive an extra sum for each of his pupils who passes a creditable examination, on leaving the institution, in his particular department? The real principle of efficiency in teaching, payment by results, is easily applied to public teaching, but wholly inapplicable to private school speculations, even were they subject to a general system of public examinations; unless by special agreement between schoolmasters and parents, which also is a thing we have no chance of seeing until the fashion can be set.

And is there any one so blind to the realities of life as to imagine that the emoluments of a private school-

master have in general any substantial connection with the merit and efficiency of his teaching? In the first place, he has a direct pecuniary interest in neglecting all studies not cared for by the general public, or by the section of it from whom he hopes for patronage. In those which they do care for, a little trouble goes much farther in aiming at a mere appearance of proficiency, than at the reality. The persons whom he has to satisfy are not experienced examiners, who take pains to find out how much the pupil knows, and are judges of it; but parents, most of whom know little of what is taught at schools, or have forgotten what they knew; many of whom do not test their child's knowledge by a single question, it being enough for them that he has been at what is called a respectable school—and who desire no better than to take for granted that all is right, and that the certificates or prizes which the children bring home from the master are the earnings of desert, not bribes for the good word of parents. These are not the mere abuses, but the natural fruits, of the trading principle in education; accordingly, the disclosures of the Schools Enquiry Commission have been as damning to the character of the private, as to that of the endowed, schools. When the pupil himself reflects, too late, that his schooling has done him no good, the impression left upon him, if he is one of the common herd, is not that he was sent to a bad when he ought to have been sent to a good school, but that school altogether is a stupid and useless thing, and

schoolmasters a set of contemptible impostors. It is difficult to see, in the operation of the trading principle, any tendency to make these things better. When the customer's ignorance is great, the trading motive acts much more powerfully in the direction of vying with one another in the arts of quackery and self-advertisement than in merit. Those parents who desire for their children something better than what the private schools afford, and do not find that something better in the endowed schools as at present conducted, sometimes combine to form the subscription schools commonly called proprietary. This private election, as it were, of a schoolmaster, by a rate-paying qualification, is an improvement, as far as it goes, for those who take part in it; but as it is only had recourse to by parents who have some perception of the badness of the private schools, it makes the case of these last, if anything, rather worse than before, by withdrawing that small portion of parental influence which would really be exercised, and probably exercised beneficially. And the worth even of the Proprietary Schools depends on that of the high public institutions which are the trainers of schoolmasters, and whose certificates or honours are the chief evidence, often the only tolerable evidence available, to guide the proprietors in their choice.

Those who make the vices of mere trading education an argument for supplementing it by something else, are charged with ignoring the tendency which schools have, in common with other things, to im-

prove with the general progress of human affairs. But human affairs are seldom improving in all directions at once, and it is doubtful if much of the improvement that is now going on is taking the direction of trade morality. Even in commerce properly so called—the legitimate province of self-interest—where it is enough if the ruling motive is limited by simple honesty, things do not look at present as if there were an increasing tendency towards high-minded honour, conscientious abhorrence of dishonest arts, and contempt of quackery. Even there the vastness of the field, the greatness of the stakes now played for, and the increasing difficulty to the public in judging rightly of transactions or of character, are making the principle of competition bring forth a kind of effects, the cure of which will have to be sought somewhere else than in the corrective influence of competition itself. There is more hope, doubtless, on the side of the parents. An increasing number of them are probably acquiring somewhat better notions of what education is, and a somewhat greater value for it. But experience proves that, of all the modes of human improvement, this particular one is about the slowest. The progress of the bulk of mankind is not in any great degree a spontaneous thing. In a few of the best and ablest it is spontaneous, and the others follow in their wake. Where society must move all together, as in legislation and government, the slowest get dragged on, at the price of a deplorable slackening in the pace of the quickest movers; but where each has

to act individually, as in sending his children to school, and the power of the more advanced is only that of their opinion and their example, the general mass may long remain sadly behind.

However this may be, those cannot be accused of ignoring the improbability of private schools, who propose the means by which their improvement may most effectually be accelerated. Schools on the trading principle will not be improved unless the parents insist on their improvement, nor even then if, all other schools that are accessible being equally bad, the dissatisfaction can have no practical effect. To make those parents dissatisfied who care but little for good schooling, or are bad judges, and at the same time to make it a necessity for schoolmasters to pay regard to their dissatisfaction, there is but one way; and this is, to give to those who cannot judge of the thing itself, an external criterion to judge by; such as would be afforded by the existence of a certain number of places of education with the *prestige* of public sanction, giving, on a large and comprehensive scale, the best teaching which it is found possible to provide.

But it is objected—and this is almost the staple of Mr. Lowe's vigorous pamphlet—that injustice is done to private schools, and their improvement impeded, by subsidising their competitors—bribing parents by the pecuniary advantages of endowments, and enabling the endowed schools to undersell the unendowed. There would be a great deal in this if the endowed schools were sufficiently multiplied to supply the

whole demand for schooling. But a political economist need scarcely be reminded that the price of a commodity is determined by that portion of the quantity required which is produced and brought to market under the least favourable circumstances. So long as private schools are wanted in addition to public ones, there is no more fear of their being undersold by them, than there is lest the owners and occupiers of the most fertile soils should undersell those of the less productive. It may be true that, under the present abuses of endowments, parents are sometimes bribed to accept a bad education gratis; but the reformers of those institutions do not propose that their funds should be employed in giving gratuitous instruction to the children of the well-off classes, or in enabling those who can pay for a good education to obtain it at less than its value. Such, certainly, are not the intentions of the Schools Enquiry Commissioners, who propose a far other application of the funds of endowments than that of artificially cheapening education to those who are able, and whose duty it is, to pay its full price.

The endowments destined by the founders for purely elementary education were not within the scope of the Commission: and respecting these there is no difficulty, as they evidently ought to be applied in aid of that general plan for making elementary instruction universal, which statesmen and the public almost unanimously agree that it has become a duty to provide. The endowments with which the Commis-



sioners were concerned were those that were intended to give an instruction superior to the elementary. These they propose should be taken, large and small together, to form, not indeed one common fund, but funds common to each of the districts into which the country is divided for registration purposes; each of these funds to be managed as a whole, and made to go as far as it can in establishing good and large schools for that district. This most judicious proposal is in accordance with one of the great educational principles with which Mr. Chadwick has so perseveringly identified himself—that there cannot be good teaching at a moderate expense in small schools. In a small school the same master is obliged to teach too many things, and to teach the same thing simultaneously to scholars differing too much in their degree of advancement; to the detriment necessarily of some, and generally of all. The schools proposed by the Commissioners are of three different grades, adapted not to adventitious differences in the quarter from whence the pupils come, but to the number of years which their parents are able and willing to spare for their instruction before they enter into active life. But the most important of all the Commission's recommendations, showing an appreciation of the duties of society in the matter of education, the most enlightened that ever yet proceeded from any public authority in the United Kingdom, is that of which I have now to speak. The State does not owe gratuitous education to those who can pay

for it. The State owes no more than elementary education to the entire body of those who cannot pay for it. But the superior education which it does not owe to the whole of the poorer population, it owes to the *élite* of them—to those who have earned the preference by labour, and have shown by the results that they have capacities worth securing for the higher departments of intellectual work, never supplied in due proportion to the demand. It is therefore proposed by the Commissioners that the principal use made of the endowments should be to pay for the higher education of those who, in the course of their elementary instruction, have proved themselves to be of the sort on whom a higher education is worth bestowing, but whose parents are not in a condition to pay the price. The fruits of such a proposal, under any tolerable arrangements for carrying it into effect, would be almost beyond human power to estimate. The gain to society, by making available for its most difficult work, not those alone who can afford to qualify themselves, but all those who would qualify themselves if they could afford it, would be but a part of the benefit. I believe there is no single thing which would go so far to heal class differences, and diminish the just dissatisfaction which the best of the poorer classes of the nation feel with their position in it. The real hardship of social inequalities to the poor, as the reasonable among them can be brought to see, is not that men *are* unequal, but that they are born so; not that those who are born poor do not

obtain the great objects of human desire unearned, but that the circumstances of their birth preclude their earning them; that the higher positions in life, including all which confer power or dignity, can not only be obtained by the rich without taking the trouble to be qualified for them, but that even were this corrected (to which there is an increasing tendency), none, as a rule, except the rich, have it in their power to make themselves qualified. By the proposal of the Commissioners, every child of poor parents (for, of course, girls must sooner or later be included), would have that power opened to him, if he passed with real distinction through the course of instruction provided for all; and the feelings which give rise to Socialism would be in a great measure disarmed, in as much of them as is unreasonable or exaggerated, by this just concession to that in them which is rational and legitimate.

It is not with this express purpose that the Commissioners have made the recommendation; it is because they believe that in itself it would be the greatest improvement in national education to which the endowments provided for the superior departments of instruction could possibly be applied. The work would be further carried on by the endowments of the Universities; which are already partly expended in scholarships, to aid the maintenance of those who have shown themselves worthy, but would not otherwise be able, to pursue the studies of the University. There are other important uses, which need not here

be discussed, to which University endowments may be, and to some extent are, very suitably applied : for instance, the maintenance of professors, and in some cases the encouragement of students, in kinds of knowledge never likely to be sought by more than a few, but which it is of importance to mankind that those few should have the means of finding ; such as those ancient languages which are chiefly valuable philologically ; comparative philology itself, which has of late years yielded such a harvest of interesting and valuable knowledge ; historical erudition in many of its departments ; and, it may be added, the highest branches of almost all sciences, even physical : for the speculative researches which lead to the grandest results in science are not those by which money can be made in the general market.

One more point is too important to be omitted. Common justice requires, and the Commissioners have urged—though their proposals in this respect are far short of what they themselves would probably desire—that in the employment of the endowments equal provision should be made for the education of both sexes. Many of the original endowments were for girls as well as boys ; in the progress of abuse the boys have very often had their rights filched from them, the girls almost always. In one of the great endowed establishments of which the efficiency has been least impaired by neglect or malversation, Christ's Hospital, the foundation was for both sexes : at present those who benefit by it are eighteen girls

and 1,192 boys. Considering that, in the eyes of the law and of the State, one girl ought to count for exactly as much as one boy, and that, as members of society, the good education of women is almost more important than even that of men, it is an essential part of a just scheme for the use of the means provided for education that the benefit of them should be given alike to girls and to boys, without preference or partiality.

## THORNTON ON LABOUR AND ITS CLAIMS.\*

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MR. THORNTON long ago gave proof of his competency to the treatment of some of the most important questions of practical political economy, by two works of great merit, "Over Population and its Remedy," and "A Plea for Peasant Proprietors." Of the latter of these especially it may be said, that nothing but the total absence, at the time of its publication, of any general interest in its subject, can account for its not having achieved a high repute and a wide circulation. The lack of interest in the subject has now ceased; opinion is rapidly advancing in the direction which the author favours; and a new edition, with its facts brought down to the latest date, would be welcomed by advanced politicians, and would materially contribute to the formation of an enlightened judgment on one of the economical questions on which truth is most important, and prejudice still most rife.

The present work, though popular and attractive in style, is strictly scientific in its principles and reasonings; and is therefore, as might be expected, strictly impartial in its judgments. A considerable part of the volume is employed in refuting the principles on

\* *Fortnightly Review*, May 1869.

which it is usual to rest those claims and aspirations of the labouring classes, which nevertheless the author, on better grounds, supports. No blind partisan on either side of the feud of labour against capital, will relish the book ; but few persons of intelligence and impartiality who read it through, will lay it down without having reason to feel that they understand better than before some of the bearings of the questions involved in that conflict.

To this great practical merit are to be added two of a more theoretic kind, to the value of which I am the more called upon to bear testimony, as on the particular points touched upon in this department I shall have to express more difference than agreement. First: it contains a discussion of one of the fundamental questions of abstract political economy (the influence of demand and supply on price), which is a real contribution to science, though, in my estimation, an addition, and not, as the author thinks, a correction, to the received doctrine. Secondly: in the attempt to go to the very bottom of the question, what are the just rights of labour on one side, and capital on the other, it raises the great issues respecting the foundation of right and wrong, of justice and injustice, in a manner highly provocative of thought. To lay down a definite doctrine of social justice, as well as a distinct view of the natural laws of the exchange of commodities, as the basis for the deductions of a work devoted to such a subject as the principles and practice of Trades-Unionism, was inseparable from the

thoroughness with which the author has sought to do his work. Every opinion as to the relative rights of labourers and employers, involves expressly or tacitly some theory of justice, and it cannot be indifferent to know what theory. Neither, again, can it be decided in what manner the combined proceedings of labourers or of employers affect the interests of either side, without a clear view of the causes which govern the bargain between them—without a sound theory of the law of wages.

Indeed, a theory of wages obtrusively meets the inquirer, at the threshold of every question respecting the relations between labourers and employers, and is commonly regarded as rendering superfluous any further argument. It is laid down that wages, by an irresistible law, depend on the demand and supply of labour, and can in no circumstances be either more or less than what will distribute the existing wages-fund among the existing number of competitors for employment. Those who are content to set out from generally-received doctrines as from self-evident axioms, are satisfied with this, and inquire no further. But those who use their own understanding, and look closely into what they assent to, are bound to ask themselves whether or in what sense wages do depend on the demand and supply of labour, and what is meant by the wages-fund.

The author of this work has asked himself these questions; and while he is, as his writings give evidence, well versed in political economy, and is able



to hold his ground with the best in following out economical laws into their more obscure and intricate workings, he has become convinced that the barrier which seems to close the entrance into one of the most important provinces of economical and social inquiry, is a shadow which will vanish if we go boldly up to it. He is of opinion that economists have mistaken the scientific law not only of the price of labour, but of prices in general. It is an error, he thinks, that price, or value in exchange, depends on supply and demand.

There is one sense, in which this proposition of Mr. Thornton would be assented to by all economists; they none of them consider supply and demand to be the *ultimate* regulators of value.\* That character, they hold, belongs to cost of production; always supposing the commodity to be a product of labour, and natural or artificial monopoly to be out of the

\* "It is, therefore, strictly correct to say, that the value of things which can be increased in quantity at pleasure, does not depend (except accidentally, and during the time necessary for production to adjust itself) upon demand and supply; on the contrary, demand and supply depend upon it. . . . Demand and supply govern the value of all things which cannot be indefinitely increased; except that, even for them, when produced by industry, there is a minimum value determined by the cost of production. But in all things which admit of indefinite multiplication, demand and supply only determine the perturbations of value, during a period which cannot exceed the length of time necessary for altering the supply. While thus ruling the oscillations of value, they themselves obey a superior force, which makes value gravitate towards cost of production, and which would settle it and keep it there, if fresh disturbing influences were not continually arising to make it again deviate."—J. S. Mill, 'Princ. of Pol. Econ.,' book iii. ch. iii. § 2.

question. Subject to these conditions, all commodities, in the long run and on the average, tend to exchange for one another (and, though this point is a little more intricate, tend also to exchange for money) in the ratio of what it costs, in labour and abstinence, to produce the articles and to bring them to the place of sale. But though the average price of everything, the price to which the producer looks forward for his remuneration, must approximately conform to the cost of production, it is not so with the price at any given moment. That is always held to depend on the demand and supply at the moment. And the influence even of cost of production depends on supply; for the only thing which compels price, on the average, to conform to cost of production, is that if the price is either above or below that standard, it is brought back to it either by an increase or by a diminution of the supply; though, after this has been effected, the supply adjusts itself to the demand which exists for the commodity at the remunerating price. These are the limits within which political economists consider supply and demand as the arbiters of price. But even within these limits Mr. Thornton denies the doctrine.

Like all fair controversialists, Mr. Thornton directs his attack against the strongest form of the opinion he assails. He does not much concern himself with the infantine form of the theory, in which demand is defined as a desire for the commodity, or as the desire combined with the power of purchase; or in which price is supposed to depend on the *ratio* between

demand and supply. It is to be hoped that few are now dwelling in this *limbus infantum*. Demand, to be capable of comparison with supply, must be taken to mean, not a wish, nor a power, but a quantity. Neither is it at any time a fixed quantity, but varies with the price. Nor does the price depend on any ratio. The demand and supply theory, when rightly understood—indeed when capable of being understood at all—signifies, that the ratio which exists between demand and supply, when the price has adjusted itself, is always one of equality. If at the market price the demand exceeds the supply, the competition of buyers will drive up the price to the point at which there will only be purchasers for as much as is offered for sale. If, on the contrary, the supply, being in excess of the demand, cannot be all disposed of at the existing price, either a part will be withdrawn to wait for a better market, or a sale will be forced by offering it at such a reduction of price as will bring forward new buyers, or tempt the old ones to increase their purchases. The law, therefore, of values, as affected by demand and supply, is that they adjust themselves so as always to bring about an *equation* between demand and supply, by the increase of the one or the diminution of the other; the movement of price being only arrested when the quantity asked for at the current price, and the quantity offered at the current price, are equal. This point of exact equilibrium may be as momentary, but is nevertheless as real, as the level of the sea.

It is this doctrine which Mr. Thornton contests: and his mode of combating it is by adducing case after case in which he thinks he can show that the proposition is false; most of the cases being, on the face of them, altogether exceptional; but among them they cover, in his opinion, nearly the whole field of possible cases.

The first case, which is presented as the type of a class, rather than for its intrinsic importance, is that of what is called a Dutch auction.

“ When a herring or mackerel boat has discharged on the beach, at Hastings or Dover, last night’s take of fish, the boatmen, in order to dispose of their cargo, commonly resort to a process called Dutch auction. The fish are divided into lots, each of which is set up at a higher price than the salesman expects to get for it, and he then gradually lowers his terms, until he comes to a price which some bystander is willing to pay rather than not have the lot, and to which he accordingly agrees. Suppose on one occasion the lot to have been a hundredweight, and the price agreed to twenty shillings. If, on the same occasion, instead of the Dutch form of auction, the ordinary English mode had been adopted, the result might have been different. The operation would then have commenced by some bystander making a bid, which others might have successively exceeded, until a price was arrived at beyond which no one but the actual bidder could afford or was disposed to go. That sum would not necessarily be twenty shillings; very possibly it might be only eighteen shillings. The person who was prepared to pay the former price might very possibly be the only person present prepared to pay even so much as the latter price; and if so, he might get by English auction for eighteen shillings the

fish for which at Dutch auction he would have paid twenty shillings. In the same market, with the same quantity of fish for sale, and with customers in number and every other respect the same, the same lot of fish might fetch two very different prices.”—Thornton, pp. 47, 48.

This instance, though seemingly a trivial, is really a representative one, and a hundred cases could not show, better than this does, what Mr. Thornton has and what he has not made out. He has proved that the law of the equalisation of supply and demand is not the whole theory of the particular case. He has not proved that the law is not strictly conformed to in that case. In order to show that the equalisation of supply and demand is not the law of price, what he has really shown is that the law is, in this particular case, consistent with two different prices, and is equally and completely fulfilled by either of them. The demand and supply are equal at twenty shillings, and equal also at eighteen shillings. The conclusion ought to be, not that the law is false, for Mr. Thornton does not deny that in the case in question it is fulfilled ; but only, that it is not the entire law of the phenomenon. The phenomenon cannot help obeying it, but there is some amount of indeterminateness in its operation—a certain limited extent of variation is possible within the bounds of the law ; and as there must be a sufficient reason for every variation in an effect, there must be a supplementary law, which determines the effect, between the limits within which the principal law leaves it free. Whoever can teach

us this supplementary law, makes a valuable *addition* to the scientific theory of the subject; and we shall see presently that in substance, if not strictly in form, Mr. Thornton does teach it. Even if he did not, he would have shown the received theory to be incomplete; but he would not have, nor has he now, shown it to be in the smallest degree incorrect.

What is more; when we look into the conditions required to make the common theory inadequate, we find that, in the case at least which we have now examined, the incompleteness it stands convicted of amounts to an exceedingly small matter. To establish it, Mr. Thornton had to assume that the customer who was prepared to pay twenty shillings for a hundredweight of fish, was the only person present who was willing to pay even so much as eighteen shillings. In other words, he supposed the case to be an exception to the rule, that demand increases with cheapness: and since this rule, though general, is not absolutely universal, he is scientifically right. If there is a part of the scale through which the price may vary without increasing or diminishing the demand, the whole of that portion of the scale may fulfil the condition of equality between supply and demand. But how many such cases really exist? Among a few chafferers on the beach of a small fishing port, such a case, though even there improbable, is not totally out of the question. But where buyers are counted by thousands, or hundreds, or even scores; in any considerable market—and, far more, in the general

market of the world—it is the next thing to impossible that more of the commodity should not be asked for at every reduction of price. The case of price, therefore, which the law of the equalisation does not reach, is one which may be conceived, but which, in practice, is hardly ever realised.

The next example which Mr. Thornton produces of the failure of supply and demand as the law of price, is the following :—

“Suppose two persons at different times, or in different places, to have each a horse to sell, valued by the owner at £50 ; and that in the one case there are two, and in the other three persons, of whom every one is ready to pay £50 for the horse, though no one of them can afford to pay more. In both cases supply is the same, viz., one horse at £50 ; but demand is different, being in one case two, and in the other three, horses at £50. Yet the price at which the horses will be sold will be the same in both cases, viz., £50.” (P. 49.)

The law does fail in this case, as it failed in the former, but for a different reason ; not, as in the former case, because several prices fulfil the condition equally well, but because no price fulfils it. At £50 there is a demand for twice or three times the supply ; at £50 0s. 0½*d.* there is no demand at all. When the scale of the demand for a commodity is broken by so extraordinary a jump, the law fails of its application ; not, I venture to say, from any fault in the law, but because the conditions on which its applicability depends do not exist. If the peculiarities of the case do not permit the demand to be equal to the supply,

leaving it only the alternative of being greater or less, greater or less it will be ; and all that can be affirmed is, that it will keep as near to the point of equality as it can. Instead of conflicting with the law, this is the extreme case which proves the law. The law is, that the price will be that which equalises the demand with the supply ; and the example proves that this only fails to be the case when there is no price that would fulfil the condition, and that even then, the same causes, still operating, keep the price at the point which will most nearly fulfil it. Is it possible to have any more complete confirmation of the law, than that in order to find a case in which the price does not conform to the law, it is necessary to find one in which there is no price that can conform to it?

Again :—

“ When a tradesman has placed upon his goods the highest price which any one will pay for them, the price cannot, of course, rise higher, yet the supply may be below the demand. A glover in a country town, on the eve of an assize ball, having only a dozen pairs of white gloves in store, might possibly be able to get ten shillings a pair for them. He would be able to get this if twelve persons were willing to pay that price rather than not go to the ball, or than go ungloved. But he could not get more than this, even though, while he was still higgling with his first batch of customers, a second batch, equally numerous and neither more nor less eager, should enter his shop, and offer to pay the same but not a higher price. The demand for gloves, which at first had been just equal to the supply, would now be exactly doubled, yet the price would not rise above ten shillings a



pair. Such abundance of proof is surely decisive against the supposition that price must rise when demand exceeds supply." (Pp. 51, 52.)

Here, again, the author is obliged to suppose that the whole body of customers (twenty-four in number) place the extreme limit of what they are willing to pay rather than go without the article, exactly at the same point—an exact repetition of the hypothesis about the horse who is estimated at £50, and not a farthing more, by every one who is willing to buy him. The case is just possible in a very small market—practically impossible in the great market of the community. But, were it ever so frequent, it would not impugn the truth of the law, but only its all-comprehensiveness. It would show that the law is only fulfilled when its fulfilment is, in the nature of things, possible, and that there are cases in which it is impossible; but that even there the law takes effect, up to the limit of possibility.

Mr. Thornton's next position is, that if the equalisation theory were literally true, it would be a truth of small significance, because—

"Even if it were true that the price ultimately resulting from competition is always one at which supply and demand are equalised, still only a small proportion of the goods offered for sale would actually be sold at any such price, since a dealer will dispose of as much of his stock as he can at a higher price, before he will lower the price in order to get rid of the remainder." (P. 53.)

This is only saying that the law in question re-

sembles other economical laws in producing its effects not suddenly, but gradually. Though a dealer may keep up his price until buyers actually fall off, or until he is met by the competition of rival dealers, still if there is a larger supply in the market than can be sold on these terms, his price will go down until it reaches the point which will call forth buyers for his entire stock; and when that point is reached it will not descend further. A law which determines that the price of the commodity shall fall, and fixes the exact point which the fall will reach, is not justly described as "a truth of small significance" merely because the dealers, not being dead matter, but voluntary agents, may resist for a time the force to which they at last succumb. Limitations such as these affect all economical laws, but are never considered to destroy their value. As well might it be called an insignificant truth that there is a market price of a commodity, because a customer who is ignorant, or in a hurry, may pay twice as much for the thing as he could get it for at another shop a few doors farther off.

The last objection of Mr. Thornton to the received theory, and the one that he lays most stress upon, is, that it assumes "that goods are offered for sale unreservedly, and that dealers are always content to let them go for what they will fetch." This, however, he observes,—

"Is scarcely ever—nay, might almost be said to be absolutely never—the fact. With one notable exception, that of

labour, commodities are almost never offered unreservedly for sale ; scarcely ever does a dealer allow his goods to go for what they will immediately fetch—scarcely ever does he agree to the price which would result from the actual state of supply and demand, or, in other words, to the price at which he could immediately sell the whole of his stock. Imagine the situation of a merchant who could not afford to wait for customers, but was obliged to accept for a cargo of corn, or sugar, or sundries, the best offer he could get from the customers who first presented themselves ; or imagine a jeweller, or weaver, or draper, or grocer, obliged to clear out his shop within twenty-four hours. The nearest approach ever made to such a predicament is that of a bankrupt's creditors selling off their debtor's effects at a proverbially 'tremendous sacrifice;' and even they are, comparatively speaking, able to take their time. But the behaviour of a dealer under ordinary pressure is quite different from that of a bankrupt's assignees. He first asks himself what is the best price which is likely to be presently given, not for the whole, but for some considerable portion of his stock, and he then begins selling, either at that price or at such other price as proves upon trial to be the best obtainable at the time. His supply of goods is probably immensely greater than the quantity demanded at that price, but does he therefore lower his terms? Not at all, and he sells as much as he can at that price, and then, having satisfied the existing demand, he waits awhile for further demand to spring up. In this way he eventually disposes of his stock for many times the amount he must have been fain to accept if he had attempted to sell off all at once. A corn dealer who in the course of a season sells thousands of quarters of wheat at fifty shillings per quarter, or thereabouts, would not get twenty shillings a quarter if, as soon as his corn ships arrived, he was obliged to turn the cargoes into money. A

glover who, by waiting for customers, will no doubt get three or four shillings a pair for all the gloves in his shop, might not get sixpence a pair if he forced them on his customers. But how is it that he manages to secure the higher price? Simply by not selling unreservedly, simply by declining the price which would have resulted from the relations between actual supply and actual demand, and by setting up his goods at some higher price, below which he refuses to sell." (Pp. 55, 56.)

I confess I cannot perceive that these considerations are subversive of the law of demand and supply, nor that there is any ground for supposing political economists to be unaware that when supply exceeds the demand, the two may be equalised by subtracting from the supply as well as by adding to the demand. Reserving a price is, to all intents and purposes, withdrawing supply. When no more than forty shillings a head can be obtained for sheep, all sheep whose owners are determined not to sell them for less than fifty shillings are out of the market, and form no part at all of the supply which is now determining price. They may have been offered for sale, but they have been withdrawn. They are held back, waiting for some future time, which their owner hopes may be more advantageous to him; and they will be an element in determining the price when that time comes, or when, ceasing to expect it, or obliged by his necessities, he consents to sell his sheep for what he can get. In the meanwhile, the price has been determined without any reference to his withheld stock, and determined in such a manner that the demand at that price shall (if

possible) be equal to the supply which the dealers are willing to part with at that price. The economists who say that market price is determined by demand and supply do not mean that it is determined by the whole supply which would be forthcoming at an unattainable price, any more than by the whole demand that would be called forth if the article could be had for an old song. They mean that, whatever the price turns out to be, it will be such that the demand at that price, and the supply at that price, will be equal to one another. To this proposition Mr. Thornton shows an undeniable exception in the case of a dealer who holds out for a price which he can obtain for a part of his supply, but cannot obtain for the whole. In that case, undoubtedly, the price obtained is not that at which the demand is equal to the supply; but the reason is the same as in one of the cases formerly considered; because there is no such price. At the actual price the supply exceeds the demand; at a farthing less the whole supply would be withheld. Such a case might easily happen if the dealer had no competition to fear; not easily if he had: but on no supposition does it contradict the law. It falls within the one case in which Mr. Thornton has shown that the law is not fulfilled—namely, when there is no price that would fulfil it; either the demand or the supply advancing or receding by such violent skips, that there is no halting point at which it just equals the other element.

Do I then mean to say that Mr. Thornton is en-

tirely wrong in his interpretation of the cases which he suggests, and has pointed out no imperfection in the current theory? Even if it were so, it would not follow that he has rendered no service to science. ‘There is always a benefit done to any department of knowledge by digging about the roots of its truths.’ Scientific laws always come to be better understood when able thinkers and acute controversialists stir up difficulties respecting them, and confront them with facts which they had not yet been invoked to explain. But Mr. Thornton has done much more than this. The doctrine he controverts, though true, is not the whole truth. It is not the entire law of the phenomenon; for he has shown, and has been the first to show, that there are cases which it does not reach. And he has, if not fully defined, at least indicated, the causes which govern the effect in those exceptional cases. If there is a fault to be found with him, it is one that he has in common with all those improvers of political economy by whom new and just views ‘have been promulgated as contradictions of the doctrines previously received as fundamental, instead of being, what they almost always are, developments of them;’ the almost invariable error of those political economists, for example, who have set themselves in opposition to Ricardo.

Let us, by Mr. Thornton’s aid, endeavour to fix our ideas respecting that portion of the law of price which is not provided for by the common theory. When the equation of demand and supply leaves the

price in part indeterminate, because there is more than one price which would fulfil the law; neither sellers nor buyers are under the action of any motives, derived from supply and demand, to give way to one another. Much will, in that case, depend on which side has the initiative of price. This is well exemplified in Mr. Thornton's supposed Dutch auction. The commodity might go no higher than eighteen shillings if the offers came from the buyers' side, but because they come from the seller the price reaches twenty shillings. Now, Mr. Thornton has well pointed out that this case, though exceptional among auctions, is normal as regards the general course of trade. As a general rule, the initiative of price does rest with the dealers, and the competition which modifies it is the competition of dealers.\* When, therefore, several prices are consistent with carrying off the whole supply, the dealers are tolerably certain to hold out for the highest of those prices; for they have no motive to compete with one another in cheapness, there being room for them all at the higher price. On the other hand, the buyers are not compelled by each other's competition to pay that higher price; for (since, by supposition the case is

\* "This," says Mr. Thornton, "in speaking of tangible commodities, seems to me a more accurate as well as a simpler way of stating the case, than to say that the competition of dealers makes price fall, and that competition of customers makes it rise. What the latter competition seems to me really to do is, to show the dealers that a higher price than they previously supposed is attainable, and to induce them consequently to relax their own competition so as to attain it." (P. 69.)

one in which a fall of price does not call forth an additional demand) if the buyers hold out for a lower price and get it, their gain may be permanent. The price, in this case, becomes simply a question whether sellers or buyers hold out longest; and depends on their comparative patience, or on the degree of inconvenience they are respectively put to by delay.

By this time, I think, an acute reader, who sees towards what results a course of inquiry is tending before the conclusion is drawn, will begin to perceive that Mr. Thornton's improvements in the theory of price, minute as they appear when reduced to their real dimensions, and unimportant as they must necessarily be in the common case in which supply and demand are but disturbing causes, and cost of production the real law of the phenomenon, may be of very great practical importance in the case which suggested the whole train of thought, the remuneration of labour. If it should turn out that the price of labour falls within one of the excepted cases—the case which the law of equality between demand and supply does not provide for, because several prices all agree in satisfying that law; we are already able to see that the question between one of those prices and another will be determined by causes which operate strongly against the labourer, and in favour of the employer. For, as the author observes, there is this difference between the labour market and the market for tangible commodities, that in commodities it is the seller, but in labour it is the buyer, who has the



initiative in fixing the price. It is the employer, the purchaser of labour, who makes the offer of wages; the dealer, who is in this case the labourer, accepts or refuses. Whatever advantage can be derived from the initiative is, therefore, on the side of the employer. And in that contest of endurance between buyer and seller, by which alone, in the accepted case, the price so fixed can be modified, it is almost needless to say that nothing but a close combination among the employed can give them even a chance of successfully contending against the employers.

It will of course be said, that these speculations are idle, for labour is not in that barely possible excepted case. Supply and demand do entirely govern the price obtained for labour. The demand for labour consists of the whole circulating capital of the country, including what is paid in wages for unproductive labour. The supply is the whole labouring population. If the supply is in excess of what the capital can at present employ, wages must fall. If the labourers are all employed, and there is a surplus of capital still unused, wages will rise. This series of deductions is generally received as incontrovertible. They are found, I presume, in every systematic treatise on political economy, my own certainly included. I must plead guilty to having, along with the world in general, accepted the theory without the qualifications and limitations necessary to make it admissible.

The theory rests on what may be called the doctrine of the wages fund. There is supposed to be, at any

given instant, a sum of wealth, which is unconditionally devoted to the payment of wages of labour. This sum is not regarded as unalterable, for it is augmented by saving, and increases with the progress of wealth; but it is reasoned upon as at any given moment a predetermined amount. More than that amount it is assumed that the wages-receiving class cannot possibly divide among them; that amount, and no less, they cannot but obtain. So that, the sum to be divided being fixed, the wages of each depend solely on the divisor, the number of participants. In this doctrine it is by implication affirmed, that the demand for labour not only increases with the cheapness, but increases in exact proportion to it, the same aggregate sum being paid for labour whatever its price may be.

But is this a true representation of the matter of fact? Does the employer require more labour, or do fresh employers of labour make their appearance, merely because it can be bought cheaper? Assuredly, no. Consumers desire more of an article, or fresh consumers are called forth, when the price has fallen: but the employer does not buy labour for the pleasure of consuming it; he buys it that he may profit by its productive powers, and he buys as much labour and no more as suffices to produce the quantity of his goods which he thinks he can sell to advantage. A fall of wages does not necessarily make him expect a larger sale for his commodity, nor, therefore, does it necessarily increase his demand for labour.

To this it may be replied, that though possibly he may employ no more labour in his own business when wages are lower, yet if he does not, the same amount of capital will be no longer required to carry on his operations ; and as he will not be willing to leave the balance unemployed, he will invest it in some other manner, perhaps in a joint stock company, or in public securities, where it will either be itself expended in employing labour, or will liberate some other person's capital to be so expended, and the whole of the wages-fund will be paying wages as before.

But is there such a thing as a wages-fund, in the sense here implied ? Exists there any fixed amount which, and neither more nor less than which, is destined to be expended in wages ?

Of course there is an impassable limit to the amount which can be so expended ; it cannot exceed the aggregate means of the employing classes. It cannot come up to those means ; for the employers have also to maintain themselves and their families. But, short of this limit, it is not, in any sense of the word, a fixed amount.

In the common theory, the order of ideas is this. The capitalist's pecuniary means consist of two parts—his capital, and his profits or income. His capital is what he starts with at the beginning of the year, or when he commences some round of business operations : his income he does not receive until the end of the year, or until the round of operations is completed. His capital, except such part as is fixed in buildings

and machinery, or laid out in materials, is what he has got to pay wages with. He cannot pay them out of his income, for he has not yet received it. When he does receive it, he may lay by a portion to add to his capital, and as such it will become part of next year's wages-fund, but has nothing to do with this year's.

This distinction, however, between the relation of the capitalist to his capital, and his relation to his income, is wholly imaginary. He starts at the commencement with the whole of his accumulated means, all of which is potentially capital: and out of this he advances his personal and family expenses, exactly as he advances the wages of his labourers. He of course intends to pay back the advance out of his profits when he receives them; and he does pay it back day by day, as he does all the rest of his advances; for it needs scarcely be observed that his profit is made as his transactions go on, and not at Christmas or Midsummer, when he balances his books. His own income, then, so far as it is used and expended, is advanced from his capital, and replaced from the returns, *pari passu* with the wages he pays. If we choose to call the whole of what he possesses applicable to the payment of wages, the wages-fund, that fund is co-extensive with the whole proceeds of his business, after keeping up his machinery, buildings and materials, and feeding his family; and it is expended jointly upon himself and his labourers. The less he expends on the one, the more may be expended on the other, and *vice versâ*. The price of labour, instead of

being determined by the division of the proceeds between the employer and the labourers, determine it. If he gets his labour cheaper, he can afford to spend more upon himself. If he has to pay more for labour, the additional payment comes out of his own income; perhaps from the part which he would have saved and added to capital, thus anticipating his voluntary economy by a compulsory one; perhaps from what he would have expended on his private wants or pleasures. There is no law of nature making it inherently impossible for wages to rise to the point of absorbing not only the funds which he had intended to devote to carrying on his business, but the whole of what he allows for his private expenses, beyond the necessities of life. The real limit to the rise is the practical consideration, how much would ruin him, or drive him to abandon the business: not the inexorable limits of the wages-fund.

In short, there is abstractedly available for the payment of wages, before an absolute limit is reached, not only the employer's capital, but the whole of what can possibly be retrenched from his personal expenditure; and the law of wages, on the side of demand, amounts only to the obvious proposition, that the employers cannot pay away in wages what they have not got. On the side of supply, the law as laid down by economists remains intact. The more numerous the competitors for employment, the lower, *cæteris paribus*, will wages be. It would be a complete misunderstanding of Mr. Thornton to suppose

that he raises any question about this, or that he has receded from the opinions enforced in his former writings respecting the inseparable connection of the remuneration of labour with the proportion between population and the means of subsistence.

But though the population principle and its consequences are in no way touched by anything that Mr. Thornton has advanced, in another of its bearings the labour question, considered as one of mere economics, assumes a materially changed aspect. The doctrine hitherto taught by all or most economists (including myself), which denied it to be possible that trade combinations can raise wages, or which limited their operation in that respect to the somewhat earlier attainment of a rise which the competition of the market would have produced without them,—this doctrine is deprived of its scientific foundation, and must be thrown aside. The right and wrong of the proceedings of Trades' Unions becomes a common question of prudence and social duty, not one which is peremptorily decided by unbending necessities of political economy.

I have stated this argument in my own way, which is not exactly Mr. Thornton's; but the reasoning is essentially his, though, in a part of it, I have only been anticipated by him. I have already shown in what I consider his exposition of the abstract question to be faulty. I think that the improvement he has made in the theory of price is a case of growth, not of revolution. But in its application to labour, it does

not merely add to our speculative knowledge; it destroys a prevailing and somewhat mischievous error. It has made it necessary for us to contemplate, not as an impossibility but as a possibility, that employers, by taking advantage of the inability of labourers to hold out, may keep wages lower than there is any natural necessity for; and, *è converso*, that if work-people can by combination be enabled to hold out so long as to cause an inconvenience to the employers greater than that of a rise of wages, a rise may be obtained which, but for the combination, not only would not have happened so soon, but possibly might not have happened at all. The power of Trades' Unions may therefore be so exercised as to obtain for the labouring classes collectively, both a larger share and a larger positive amount of the produce of labour; increasing, therefore, one of the two factors on which the remuneration of the individual labourer depends. The other and still more important factor, the number of sharers, remains unaffected by any of the considerations now adduced.

The most serious obstacle to a right judgment concerning the efficacy and tendencies of Trades' Unions, and the prospects of labour as affected by them, having thus been removed, the author has a free field for the untrammelled discussion of those topics. We have seen how Mr. Thornton, in the first chapter of his First Book, disproved, on grounds of pure political economy, the supposed natural law by which, in the opinion of many, the price of labour is as strictly

determined as the motion of the earth, and determined in a manner unalterable by the will or effort of either party to the transaction. But whatever in the affairs of mankind is not peremptorily decided for them by natural laws, falls under the jurisdiction of the moral law. Since there is a certain range, wider than has been generally believed, within which the price of labour is decided by a conflict of wills between employers and labourers, it is necessary, as in every other case of human voluntary action, to ascertain the moral principles by which this conflict ought to be regulated. The terms of the bargain not being a matter of necessity, but, within certain limits, of choice, it has to be considered how far either side can rightfully press its claims, and take advantage of its opportunities. Or, to express the same ideas in other phraseology, it has to be decided whether there are any *rights*, of labour on the one hand, or of capital on the other, which would be violated if the opposite party pushed its pretensions to the extreme limits of economic possibility.

To this Mr. Thornton answers,—None. As a matter of mere right, both the employer and the labourer, while they abstain from force or fraud, are entitled to all that they can get, and to nothing more than what they can get. The terms of their contract, provided it is voluntary on both sides, are the sole rule of justice between them. No one being under any obligation of justice to employ labour at all, still less is any one bound in justice to pay for it any given price.



“Except under the terms of some mutual agreement, the employer is not bound to give anything. Before joining in the agreement he was under no obligation to furnish the labourer with occupation. Either he might not have required his or any one else’s services, or he might have preferred to employ some one else. But if he was not bound to furnish employment at all, *à fortiori* he was not bound to furnish it on any particular terms. If, therefore, he did consent to furnish it, he had a right to dictate his own terms; and whatever else those terms might be, however harsh, illiberal, exorbitant, or what you will, they could not, at any rate or by any possibility, be unjust. For they could only be unjust in so far as they deviated from some particular terms which justice might have exacted. But, as we have seen, there were no such terms, and it is manifestly absurd to condemn a thing merely because its limits do not coincide with those of an abstraction incapable of being realised or defined, incapable, that is to say, of having any limits at all.” (Thornton, p. 111.)

The counter-theory, on which the labourer’s side of the question is usually argued, “that every man who has not by crime forfeited the right, and who has no other means of living, has a right to live by labour,” Mr. Thornton entirely rejects.

“Although” (he says) “these pages have little other object than that of determining how the labouring classes may most easily and effectually obtain fully as much as they ever dreamt of asking, the writer is constrained, even in the interest of those classes, to protest against the theory set up in their behalf. No cause can be permanently maintained that is suffered to rest on fallacies; and one pervading fallacy, beginning at the very first link, runs through the whole chain of reasoning of which the theory consists.

“The right of the poor to live by labour, affirmed **as** unhesitatingly as if it were a self-evident proposition beyond the possibility of dispute, is explained to mean not merely the right so to live if they can themselves find the means, but to have the means supplied by others if they cannot themselves obtain them, and to have them supplied, nominally by society at large, but really by the richer portion of it, the rich alone being in a position to furnish what is required. But right on the one side necessarily implies corresponding obligation on the other; and how can society, or how can the rich, have incurred the obligation of maintaining in the world those whom they were in no degree instrumental in bringing into it? Only, if at all, in one or other of two ways. Either mankind were placed in possession of the earth which they inhabit on condition, expressed or implied, that the wants of all the earth’s human inhabitants should be provided for from its produce; or part of those inhabitants have, by some communal act or institution of the whole body, been dispossessed of the means of providing for themselves. But in the first of these hypotheses, in order that the supposed condition should be equitable, it would be necessary that the earth should be capable of producing enough for the wants of whatever number of inhabitants might obtain footing upon it; whereas it is demonstrable that population would infallibly everywhere speedily outrun subsistence, if the earth’s produce were freely accessible to all who had need. Of the other supposition, it is to be remarked that the only institution that has ever been accused of producing the alleged effect is the institution of property; and very slight advocacy will suffice to absolve an institution from the charge of depriving people of that which, but for itself, could not have existed. Let it be admitted that the earth was bestowed by the Creator, not on any privileged class or classes, but on all mankind, and **on** all successive generations of men, so that no one

generation can have more than a life interest in the soil, or be entitled to alienate the birthright of succeeding generations. Let this be admitted, and the admission is surely large enough to satisfy the most uncompromising champion of the natural rights of man. Still it is certain that those rights, if fully exercised, must inevitably have proved themselves to be so far worse than worthless, as to have prevented any but a very minute fraction of the existing number of claimants from being born to claim them. The earth, if unappropriated, must also have remained untilled, and consequently comparatively unproductive. Anything like the world's actual population could not possibly have been in existence, nor, if it had been, would a whole year's growth of the earth's natural produce have sufficed for the subsistence of the earth's inhabitants during a single day. The utmost of which the poor have been dispossessed by the institution of property is their fair proportion of what the earth could have produced if it had remained unappropriated. Compensation for this is the utmost which is due to them from society, and the debt is obviously so infinitesimally small, that the crumbs which habitually fall from the tables of the rich are amply sufficient to pay it.

“If these things be so, a strict debtor and creditor account between rich and poor would show no balance against the former. Society cannot properly be said to owe anything to the poor beyond what it is constantly and regularly paying. It is not bound in equity, whatever it may be in charity, to find food for the hungry because they are in need, nor to find occupation for the unemployed because they are out of work. By withholding aid, it is not guilty of the smallest injustice. For injustice implies violation of a right; and not only can there be no breach of right without disregard of a corresponding obligation, but that only can be a right the breach or denial of which constitutes a wrong. But wrong is com-

mitted only when some good which is due is withheld, or when some evil which is not due is inflicted. Applying this test, we shall find that the poor, as such, have no unliquidated claim against the rich. The latter are doing them no wrong, are guilty of no injustice towards them in merely abstaining from paying a debt which, whether due to the poor or not, is, at any rate, not due to them from the rich. It was not the rich who placed the poor on the earth, and it is not the rich who owe them the means of living here. How far the poor may be forgiven for complaining, as of a grievance, of having been placed here without adequate means of living, may possibly be a question for the theologian. But the political economist may fairly content himself with showing that the grievance is, at any rate, not one with which they can reproach any of their fellow-creatures, except their own parents. No other portion of society was a party to the transaction, and no other portion can justly be responsible for its consequences.”\* (Pp. 91—94.)

\* That those who have not yet read Mr. Thornton's book may not be even temporarily liable to the misunderstanding of his meaning, and of the whole spirit of his writings, which might be the effect of reading only the passage cited in the text, I will at once bring forward the other side of his opinion. Nothing, he says, can be further from his purpose “than to exculpate the existing social system, or to suggest an excuse for continued acquiescence in its enormities. . . . To affirm that those evils of the existing social polity which constitute the peculiar grievance of the poor are not the result of human injustice, is perfectly consistent with the most vehement denunciation both of the evils themselves and of the heartless indifference that would perpetuate them. It is perfectly consistent, even with the admission that the rich are bound to do what they can to alleviate those evils—with this proviso, however, that they are so bound, not by their duty to others, but by their duty to themselves. The obligation is imposed upon them not by injunctions of justice, but by the force of sympathy and the exhortations of humanity and charity. The sacrifices which it may thus become incumbent on the rich to make, the poor are not in consequence entitled to demand. If the sacrifices are withheld, the rich

It is unnecessary to quote the application of these principles to the particular case of contracts for labour

Here, then, are two theories of justice arrayed against each other in order of battle: theories differing in their first principles, markedly opposed in their conclusions, and both of them doctrines *à priori*, claim-

stand convicted indeed of brute selfishness, but they do not thereby lay themselves open to the additional charge of injustice. This distinction is not drawn for the sake of pedantic precision; it is one of immense practical importance. To all right reasoning, it is essential that things should be called by their right names; and that nothing, however bad, should receive a worse name than it deserves. The more glaring a sin, the less reason is there for exaggerating it; and, in the case before us, the use of an erroneous epithet has been a fruitful source of further error. Unless the present constitution of society had been arbitrarily assumed to be unjust, it would never have been proposed to correct its injustice by resorting to means which would otherwise have been at once perceived to be themselves utterly unjustifiable. On no other account could it ever have been supposed that liberty demanded for its own vindication the violation of liberty, and that the freedom of competition ought to be fettered or abolished. For freedom of competition means no more than that every one should be at liberty to do his best for himself, leaving all others equally at liberty to do their best for themselves. Of all the natural rights of man, there is not one more incontestable than this, nor with which interference would be more manifestly unrighteous. Yet this it is proposed to set aside as incompatible with the rights of labour, as if those could possibly be rights which cannot be maintained except by unrighteous means." (Pp. 94, 95.)

The heartiness of Mr. Thornton's devotion to the interest of the labouring classes (or, it should rather be said, to the interest of human nature as embodied in them), is manifested throughout the work; but nowhere so vividly as in the noble Introductory Chapter, where he depicts a state of things in which all the grosser and more palpable evils of their poverty might be extinct, and shows that with this they ought not, and we ought not, to be content. It is not enough that they should no longer be objects of pity. The conditions of a positively happy and dignified existence are what he demands for them, as well as for every other portion of the human race.

ing to command assent by their own light—to be evident by simple intuition: a pretension which, as the two are perfectly inconsistent, must, in the case of one or other of them, be unfounded, and may be so in the case of both. Such conflicts in the domain of ethics are highly instructive, but their value is chiefly negative; the principal use of each of the contrary theories is to destroy the other. Those who cherish any one of the numerous *à priori* systems of moral duty, may learn from such controversies how plausible a case may be made for other *à priori* systems repugnant to their own; and the adepts of each may discover, that while the maxims or axioms from which they severally set out are all of them good, each in its proper place, yet what that proper place is, can only be decided, not by mental intuition, but by the thoroughly practical consideration of consequences; in other words, by the general interest of society and mankind, mental and bodily, intellectual, emotional, and physical, taken together. Mr. Thornton seems to admit the general happiness as the criterion of social virtue, but not of positive duty—not of justice and injustice in the strict sense: and he imagines that it is in making a distinction between these two ideas that his doctrine differs from that of utilitarian moralists. But this is not the case. Utilitarian morality fully recognises the distinction between the province of positive duty and that of virtue, but maintains that the standard and rule of both is the general interest. From the utilitarian point of view, the distinction

between them is the following :—There are many acts, and a still greater number of forbearances, the perpetual practice of which by all is so necessary to the general well-being, that people must be held to it compulsorily, either by law, or by social pressure. These acts and forbearances constitute duty. Outside these bounds there is the innumerable variety of modes in which the acts of human beings are either a cause, or a hindrance, of good to their fellow-creatures, but in regard to which it is, on the whole, for the general interest that they should be left free ; being merely encouraged, by praise and honour, to the performance of such beneficial actions as are not sufficiently stimulated by benefits flowing from them to the agent himself. This larger sphere is that of Merit or Virtue.

The anxiety of moralists for some more definite standard of judgment than the happiness of mankind appears to them to be, or for some first principle which shall have a greater hold on the feeling of obligation than education has yet given to the idea of the good of our fellow-creatures, makes them eager to erect into an axiom of morals any one of the familiar corollaries from the principle of general utility, which, from the impressiveness of the cases to which it is applicable, has taken a deep root in the popular mind, and gathered round itself a considerable amount of human feeling. When they have made choice of any such maxim, they follow it out as if there were no others of equal authority by which its application ought to be limited ; or with only as much regard to

those limitations, as the amount of common sense possessed by the particular thinker peremptorily enforces upon him as a practical being. The two opposite theories of social justice set forth by Mr. Thornton—the Rousseau or Proudhon theory, and his own—are cases of this description. The former of these, according to which all private appropriation of any of the instruments of production was a wrong from the beginning, and an injury to the rest of mankind, there is neither room, nor is it necessary, here to discuss. But I venture to think that, on intuitional grounds, there is quite as much to be said for it as for the rival theory. Mr. Thornton must admit that the Rousseau doctrine, in its most absolute form, has charmed great numbers of human beings, including not merely those to whose apparent interests it was favourable, but many of those to whom it was hostile; that it has satisfied their highest conceptions of justice and moral right, and has the “note” of intuitive truth as completely as the principles from which his own system is a deduction. Still more may this be said of the more moderate forms of the same theory. “Justice is supposed”—erroneously in the author’s opinion—“to require that a labourer’s remuneration should correspond with his wants and his merits” (p. 111). If justice is an affair of intuition—if we are guided to it by the immediate and spontaneous perceptions of the moral sense—what doctrines of justice are there, on which the human race would more instantaneously and with one accord put the stamp of its recognition,



than these—that it is just that each should have what he deserves, and that, in the dispensation of good things, those whose wants are most urgent should have the preference? In conscience, can it be expected that any one, who has grounded his social theories on these maxims, should discard them in favour of what Mr. Thornton tenders instead—viz., that no one is accountable for any evil which he has not produced by some violence, fraud, or breach of engagement of his own; and that, these things apart, no one has any ground of complaint for his lot on earth, against those who had no hand in placing him here? Mr. Thornton himself concedes so much, as not positively to deny the justice of the maxims which he practically repudiates; but regards their violation as a grievance (if grievance at all) against the general order of the universe, and not against society, or the employers of labour. But if there be in the natural constitution of things something patently unjust—something contrary to sentiments of justice, which sentiments, being intuitive, are supposed to have been implanted in us by the same Creator who made the order of things that they protest against—do not these sentiments impose on us the duty of striving, by all human means, to correct the injustice? And if, on the contrary, we avail ourselves of it for our own personal advantage, do we not make ourselves participators in injustice—allies and auxiliaries of the Evil Principle?

While the author's intuitive theory of right and

wrong has thus no advantage in point of intuitive evidence over the doctrine which it is brought to contradict, it illustrates an incurable defect of all these *à priori* theories—that their most important applications may be rebutted without denying their premises. To point out in what manner this consequence arises out of the inherent nature of such theories, would detain us too long; but the examples afforded of it by the author's theory are numerous and remarkable.

Take, for instance, what seems the strongest point in his principal argument—viz., that the institution of property in land does not deprive the poor of anything except “their fair proportion of what the earth could have produced if it had remained unappropriated;” that is, little or nothing—since, if unappropriated, it would have been untilled, and its spontaneous produce would have yielded sustenance to only a very small number of human beings. This may be an answer to Rousseau, though even to him not a complete one;\* but it is no answer to the Socialists of the present day. These are, in general, willing enough to admit that property in land was a necessary institution in early ages, and until mankind were sufficiently civilised to be capable of managing their affairs in common for the general benefit. But when

\* By no means a complete answer; for there is a medium between private appropriation of land and denial of protection to its fruits. Is there not such a thing as temporary appropriation? As a matter of fact, even in countries of the most improved agriculture, the tillage is usually performed by persons who have no property in the soil—often by mere tenants at will.

this time has arrived—and according to them it has arrived—the legitimacy of private landed property, they contend, has ceased, and mankind at large ought now to re-enter on their inheritance. They deny the claim of the first possessors to impose fetters on all generations, and to prevent the species at large from resuming rights of which, for good but temporary reasons, it had suspended the exercise. Society made the concession, and society can at any moment take it back.

Again, the author, in his chapter on the Rights of Capital, very truly and forcibly argues, that these are a portion of the rights of labour. They are the rights of past labour, since labour is the source of all capital; and are sacred, in the same sense, and in an equal degree, with those of present labour. From this he deduces the equal legitimacy of any contract for employment, which past labour may impose on the necessities of present labour, provided there is no taint of force or fraud. But is there no taint of force or fraud in the original title of many owners of past labour? The author states the case as if all property, from the beginning of time, had been honestly come by; either produced by the labour of the owner himself, or bestowed on him by gift or bequest from those whose labour did produce it. But how stands the fact? Landed property at least, in all the countries of modern Europe, derives its origin from force; the land was taken by military violence from former possessors, by those from whom it has

been transmitted to its present owners. True, much of it has changed hands by purchase, and has come into the possession of persons who had earned the purchase-money by their labour; but the sellers could not impart to others a better title than they themselves possessed. Movable property, no doubt, has on the whole a purer origin, its first acquirers having mostly worked for it, at something useful to their fellow-citizens. But, looking at the question merely historically, and confining our attention to the larger masses, the doctrine that the rights of capital are those of past labour is liable even here to great abatements. Putting aside what has been acquired by fraud, or by the many modes of taking advantage of circumstances, which are deemed fair in commerce, though a person of a delicate conscience would scruple to use them in most of the other concerns of life—omitting all these considerations, how many of the great commercial fortunes have been, at least partly, built up by practices which in a better state of society would have been impossible—jobbing contracts, profligate loans, or other abuses of Government expenditure, improper use of public positions, monopolies, and other bad laws, or perhaps only by the manifold advantages which imperfect social institutions gave to those who are already rich, over their poorer fellow-citizens, in the general struggle of life? We may be told that there is such a thing as prescription, and that a bad title may become a good one by lapse of time. It may, and there are excellent reasons of general

utility why it should; but there would be some difficulty in establishing this position from any *à priori* principle. It is of great importance to the good order and comfort of the world that an amnesty should be granted to all wrongs of so remote a date that the evidence necessary for the ascertainment of title is no longer accessible, or that the reversal of the wrong would cause greater insecurity and greater social disturbance than its condonation. This is true, but I believe that no person ever succeeded in reconciling himself to the conviction, without doing considerable violence to what is called the instinctive sentiment of justice. It is not at all conformable to intuitive morality that a wrong should cease to be a wrong because of what is really an aggravation, its durable character; that because crime has been successful for a certain limited period, society for its own convenience should guarantee its success for all time to come. Accordingly, those who construct their systems of society upon the natural rights of man, usually add to the word natural the word imprescriptible, and strenuously maintain that it is impossible to acquire a fee-simple in an injustice.

Yet one more example, to show the ease with which conclusions that seem to follow absolutely from an *à priori* theory of justice can be defeated by other deductions from the same premises. According to the author, however inadequate the remuneration of labour may be, the labourer has no grievance against society, because society is not the cause of

the insufficiency, nor did society ever bargain with him, or bind itself to him by any engagement, guaranteeing a particular amount of remuneration. And, this granted, the author assumes (at p. 394 and elsewhere) as a logical consequence, that proprietors must not be interfered with, out of regard to the interests of labour, in the perfectly free use of their property conformably to their own inclination. Now, if this point were being argued as a practical question, on utilitarian grounds, there probably would be little difference between Mr. Thornton's conclusions and my own. I should stand up for the free disposal of property as strongly, and most likely with only the same limitations, as he would. But we are now on *à priori* ground, and while that is the case, I must insist upon having the consequences of principles carried out to the full. What matters it that, according to the author's theory, the employer does no wrong in making the use he does of his capital, if the same theory would justify the employed in compelling him by law to make a different use—if the labourers would in no way infringe the definition of justice by taking the matter into their own hands, and establishing by law any modification of the rights of property which in their opinion would increase the remuneration of their labour? And, on the author's principles, this right cannot be denied them. The existing social arrangements, and law itself, exist in virtue not only of the forbearance, but of the active support of the labouring classes. They could effect

the most fundamental changes in the whole order of society by simply withholding their concurrence. Suppose that they, who being the numerical majority cannot be controlled except by their own tacit consent, should come to the conclusion (for example) that it is not essential to the benefits of the institution of property that wealth should be allowed to accumulate in large masses ; and should consequently resolve to deny legal protection to all properties exceeding a certain amount. There are the strongest utilitarian reasons against their doing this ; but on the author's principles, they have a right to do it. By this mere abstinence from doing what they have never promised nor in any way bound themselves to do, they could extort the consent of the rich to any modification of proprietary rights which they might consider to be for their advantage. They might bind the rich to take the whole burden of taxation upon themselves. They might bind them to give employment, at liberal wages, to a number of labourers in a direct ratio to the amount of their incomes. They might enforce on them a total abolition of inheritance and bequest. All this would be a very wrong use of their power of withholding protection ; but only because the conditions imposed would be injurious, instead of beneficial, to the public weal. Nor do I see what arguments, except utilitarian ones, are open to the author for condemning them. Even the manifest obligation of making the changes with the least possible detriment to the interests and feelings of the existing generation

of proprietors, it would be extremely difficult to deduce from the author's premises, without calling in other maxims of justice than his theory recognises.

It is almost needless for me to repeat that these things are said, not with a view to draw any practical conclusions respecting the rights of labour, but to show that no practical conclusions of any kind can be drawn from such premises ; and because I think, with Mr. Thornton, that when we are attempting to determine a question of social ethics, we should make sure of our ethical foundation. On the questions between employers and labourers, or on any other social questions, we can neither hope to find, nor do we need, any better criterion than the interest, immediate and ultimate, of the human race. But the author's treatment of the subject will have a useful effect if it leads any of those friends of democracy and equality, who disdain the prosaic consideration of consequences, and demand something more high-flown as the ground on which to rest the rights of the human race, to perceive how easy it is to frame a theory of justice that shall positively deny the rights considered by them as so transcendent, and which yet shall make as fair a claim as theirs to an intuitive character, and shall command by its *à priori* evidence the full conviction of as enlightened a thinker, and as warm a supporter of the principal claims of the labouring classes, as the author of the work before us.

The author's polemic against the doctrines commonly preached by the metaphysical theorists of the



Cause of Labour, is not without other points of usefulness. Not only are those theorists entirely at sea on the notion of right, when they suppose that labour has, or can have, a right to anything, by any rule but the permanent interest of the human race; but they also have confused and erroneous notions of matters of fact, of which Mr. Thornton points out the fallacy. For example, the working classes, or rather their champions, often look upon the whole wealth of the country as the produce of their labour, and imply, or even assert, that if everybody had his due the whole of it would belong to them. Apart from all question as to right, this doctrine rests on a misconception of fact. The wealth of the country is not wholly the produce of present labour. It is the joint product of present labour and of the labour of former years and generations, the fruits of which, having been preserved by the abstinence of those who had the power of consuming them, are now available for the support or aid of present labour which, but for that abstinence, could not have produced subsistence for a hundredth part the number of the present labourers. No merit is claimed for this abstinence; those to whose persevering frugality the labouring classes owe this enormous benefit, for the most part thought only of benefiting themselves and their descendants. But neither is there any merit in labouring, when a man has no other means of keeping alive. It is not a question of merit, but of the common interest. Capital is as indispensable to labour as labour to capital. It

is true the labourers need only capital, not capitalists; it would be better for them if they had capital of their own. But while they have not, it is a great benefit to them that others have. Those who have capital did not take it from them, and do not prevent them from acquiring it. And, however badly off they may be under the conditions which they are able to make with capitalists, they would be still worse off if the earth were freely delivered over to them without capital, and their existing numbers had to be supported upon what they could in this way make it produce.

On the other hand, there is on the opposite side of the question a kind of goody morality, amounting to a cant, against which the author protests, and which it is imperative to clear our minds of. There are people who think it right to be always repeating, that the interest of labourers and employers (and, they add, of landlords and farmers, the upper classes and the lower, governments and subjects, &c.) is one and the same. It is not to be wondered at that this sort of thing should be irritating to those to whom it is intended as a warning. How is it possible that the buyer and the seller of a commodity should have exactly the same interest as to its price? It is the interest of both that there should be commodities to sell; and it is, in a certain general way, the interest both of labourers and employers that business should prosper, and that the returns to labour and capital should be large. But to say that they have the same

interest as to the division, is to say that it is the same thing to a person's interest whether a sum of money belongs to him or to somebody else. The employer, we are gravely told, will expend in wages what he saves in wages; he will add it to his capital, which is a fine thing for the labouring classes. Suppose him to do so, what does the labourer gain by the increase of capital, if his wages must be kept from rising to admit of its taking place?

"Workmen are solemnly adjured," says Mr. Thornton (p. 260), "not to try to get their wages raised, because success in the attempt must be followed by a fall of profits which will bring wages down again. They are entreated not to better themselves, because any temporary bettering will be followed by a reaction which will leave them as ill off as before; not to try to raise the price of labour, because to raise the price is to lower the demand, and to lower the demand is to lower the price. As if a great demand for labour were of any other use to the labourer than that of raising the price of labour, or as if an end were to be sacrificed to means whose whole merit consists in their leading to that same end. If all the political economy opposed to trades' unions were like this, trades' unions would be quite right in opposing political economy."

What is true is, that wages might be so high as to leave no profit to the capitalist, or not enough to compensate him for the anxieties and risks of trade; and in that case labourers would be killing the goose to get at the eggs. And, again, wages might be so low as to diminish the numbers or impair the working powers of the labourers, and in that case the capitalist

also would generally be a loser. But between this and the doctrine, that the money which would come to the labourer by a rise of wages will be of as much use to him in the capitalist's pocket as in his own, there is a considerable difference.

Between the two limits just indicated—the highest wages consistent with keeping up the capital of the country, and increasing it *pari passu* with the increase of people, and the lowest that will enable the labourers to keep up their numbers with an increase sufficient to provide labourers for the increase of employment—there is an intermediate region within which wages will range higher or lower according to what Adam Smith calls “the higgling of the market.” In this higgling, the labourer in an isolated condition, unable to hold out even against a single employer, much more against the tacit combination of employers, will, as a rule, find his wages kept down at the lower limit. Labourers sufficiently organised in Unions may, under favourable circumstances, attain to the higher. This, however, supposes an organisation including all classes of labourers, manufacturing and agricultural, unskilled as well as skilled. When the union is only partial, there is often a nearer limit—that which would destroy, or drive elsewhere, the particular branch of industry in which the rise takes place. Such are the limiting conditions of the strife for wages between the labourers and the capitalists. The superior limit is a difficult question of fact, and in its estimation serious errors may be, and have been, committed. But,

having regard to the greatly superior numbers of the labouring class, and the inevitable scantiness of the remuneration afforded by even the highest rate of wages which, in the present state of the arts of production, could possibly become general; whoever does not wish that the labourers may prevail, and that the highest limit, whatever it be, may be attained, must have a standard of morals, and a conception of the most desirable state of society, widely different from those of either Mr. Thornton or the present writer.

The remainder of the book is occupied in discussing the means adopted or which might be adopted by the operative classes, for obtaining all such advantages in respect of wages, and the other conditions of labour, as are within the reach of attainment: a subject comprehending all the questions respecting the objects and practices of Trades' Unionism, together with the whole theory and practice of co-operative industry. And here I am nearly at the end of my disagreements with Mr. Thornton. His opinions are in every respect as favourable to the claims of the labouring classes as is consistent with the regard due to the permanent interest of the race. His conclusions leave me little to do but to make a *résumé* of them, though I may still dissent from some of his premises. For example, the same principles which lead him to acquit employers of wrong, however they may avail themselves of their advantage to keep down wages, make him equally exculpate Unionists from a similar charge, even when

he deems them to be making a short-sighted and dangerous use of the power which combinations give them. But while I agree with the author that conduct may be "grovelling and sordid" without being morally culpable, I must yet maintain that if there are (as it cannot be doubted that there are) demands which employers might make from labourers, or labourers from employers, the enforcement of which, even by the most innocent means, would be contrary to the interests of civilisation and improvement—to make these demands, and to insist on them as conditions of giving and receiving employment, is morally wrong.

Again, the author most justly stigmatises the English law of conspiracy, that reserved weapon of arbitrary and *ex-post-facto* coercion, by which anything, that a court of law thinks ought not to be done, may be made a criminal offence if done in concert by more than one person—a law of which a most objectionable use has been made against Trades' Unions. But I cannot go entirely with him when he lays it down as an absolute and self-evident truth, that whatever is lawful when done by one person, ought not to be an offence when done by a combination of several. He forgets that the number of agents may materially alter the essential character of the act. Suppose, merely for the sake of illustration, that the state of opinion was such as to induce legislators to tolerate, within certain limits, the prosecution of quarrels and the redress of injuries by the party's own hands; as is

the case practically, though not legally, in all countries where duelling prevails. If, under cover of this license, instead of a combat between one and one, a band of assailants were to set upon a single person, and take his life, or inflict on him bodily harm, would it be allowable to apply to this case the maxim, that what is permitted to one person ought to be permitted to any number? The cases are not parallel; but if there be so much as one case of this character, it is discussable, and requires to be discussed, whether any given case is such a one; and we have a fresh proof how little even the most plausible of these absolute maxims of right and wrong are to be depended on, and how unsafe it is to lose sight, even for a moment, of the paramount principle—the good of the human race. The maxims may, as the rough results of experience, be regarded as *primâ facie* presumptions that what they inculcate will be found conducive to the ultimate end; but not as conclusive on that point without examination, still less as carrying an authority independent of, and superior to, the end.

My difference with Mr. Thornton is in this case only theoretical; for I do not know of anything that ought to be legally interdicted to workmen in combination, except what would be criminal if done by any of them individually, viz., physical violence or molestation, defamation of character, injury to property, or threats of any of these evils. We hear much invective against Trades' Unions on the score of being infringements of the liberty of those working men on

whom a kind of social compulsion is exercised to induce them to join a Union, or to take part in a strike. I agree with Mr. Thornton in attaching no importance whatever to this charge. An infringement of people's liberty it undoubtedly is, when they are induced, by dread of other people's reproaches, to do anything which they are not legally bound to do; but I do not suppose it will be maintained that disapprobation never ought to be expressed except of things which are offences by law. As soon as it is acknowledged that there are lawful, and even useful, purposes to be fulfilled by Trades' Unions, it must be admitted that the members of Unions may reasonably feel a genuine moral disapprobation of those who profit by the higher wages or other advantages that the Unions procure for non-Unionists as well as for their own members, but refuse to take their share of the payments, and submit to the restrictions, by which those advantages are obtained. It is vain to say that if a strike is really for the good of the workmen, the whole body will join in it from a mere sense of the common interest. There is always a considerable number who will hope to share the benefit without submitting to the sacrifices; and to say that these are not to have brought before them, in an impressive manner, what their fellow-workmen think of their conduct, is equivalent to saying that social pressure ought not to be put upon any one to consider the interests of others as well as his own. All that legislation is concerned with is, that the pressure shall



stop at the expression of feeling, and the withholding of such good offices as may properly depend upon feeling, and shall not extend to an infringement, or a threat of infringement, of any of the rights which the law guarantees to all—security of person and property against violation, and of reputation against calumny. There are few cases in which the application of this distinction can give rise to any doubt. What is called picketing is just on the border which separates the two regions; but the sole difficulty in that case is one of fact and evidence—to ascertain whether the language or gestures used implied a threat of any such treatment as, between individual and individual, would be contrary to law. Hooting, and offensive language, are points on which a question may be raised; but these should be dealt with according to the general law of the country. No good reason can be given for subjecting them to special restriction on account of the occasion which gives rise to them, or to any legal restraint at all beyond that which public decency, or the safety of the public peace, may prescribe as a matter of police regulation.

Mr. Thornton enters into a minute examination of the limits to the efficacy of Trades' Unions—the circumstances in which increased wages may be claimed with a prospect of success, and, if successful, of permanence. These discussions I must content myself with recommending to the attention of the reader, who will find in them much matter of great value. In the present article there is only room for the most general

considerations, either of political economy or of morals. Under the former aspect, there is a view of the question, not overlooked by the author, but hardly, perhaps, made sufficiently prominent by him. From the necessity of the case, the only fund out of which an increase of wages can possibly be obtained by the labouring classes considered as a whole, is profits. This is contrary to the common opinion, both of the general public and of the workmen themselves, who think that there is a second source from which it is possible for the augmentation to come, namely, prices. The employer, they think, can, if foreign or other competition will let him, indemnify himself for the additional wages demanded of him, by charging an increased price to the consumer. And this may certainly happen in single trades, and even in large branches of trade, under conditions which are carefully investigated by Mr. Thornton. The building trade, in its numerous subdivisions, is one of the most salient instances. But though a rise of wages in a given trade may be compensated to the masters by a rise of the price of their commodity, a rise of general wages cannot be compensated to employers generally by a general rise of prices. This distinction is never understood by those who have not considered the subject, but there are few truths more obvious to all who have. There cannot be a general rise of prices unless there is more money expended. But the rise of wages does not cause more money to be expended. It takes from the incomes of the masters and adds to those of the work-

men ; the former have less to spend, the latter have more ; but the general sum of the money incomes of the community remains what it was, and it is upon that sum that money prices depend. There cannot be more money expended on everything, when there is not more money to be expended altogether. In the second place, even if there did happen a rise of all prices, the only effect would be that money, having become of less value in the particular country, while it remained of its former value everywhere else, would be exported until prices were brought down to nearly or quite their former level. But thirdly : even on the impossible supposition that the rise of prices could be kept up, yet, being general, it would not compensate the employer ; for though his money returns would be greater, his outgoings (except the fixed payments to those to whom he is in debt) would be increased in the same proportion. Finally, if when wages rose all prices rose in the same ratio, the labourers would be no better off with high wages than with low ; their wages would not command more of any article of consumption ; a real rise of wages, therefore, would be an impossibility.

It being obvious, from these accumulated considerations, that a real rise of general wages cannot be thrown on the consumer by a rise of prices ; it follows also that a real rise even of partial wages—of wages in one or a few employments—when thrown on the consumer by an increased price of the articles produced, is generally a gain made, wholly or in part, at

the expense of the remainder of the labouring classes. For, the aggregate incomes of the purchasing public not being increased, if more is spent on some articles of consumption, less will be spent on others. There are two possible suppositions. The public may either reduce its consumption of the articles which have risen, or it may retrench by preference in other articles. In the former case, if the consumption falls off in full proportion to the rise of price, there is no more money than before expended in the article, and no more, therefore, to be divided between the labourers and their employers; but the labourers may possibly retain their improved wages, at the expense of profits, until the employers, weary of having less profit than other people, withdraw part of their capital. But if the consumption does not fall off, or falls off in a less degree, so that more is really spent on the articles after than before the rise, the prices of some other things will fall from diminished demand; the producers of those other things will have less to divide, and either wages or profits must suffer. It will usually be wages; for as there will not be employment in those departments for so many labourers as before, some labourers will be thrown out of work. As Mr. Thornton remarks, the general increase of the incomes of the community through the progress of wealth may make up to the other branches of the productive classes for what they thus lose, and convert it from an absolute loss, to the loss of a gain—the gain which as a body they would have derived

from the general increase of wealth, but of which the whole, or more than the fair share, has been drawn off by a single branch. Still, the rise of wages in any department is necessarily at the expense either of wages in other departments or of profits, and in general both will contribute to it. So long, at least, as there are any classes of labourers who are not unionised, the successes of the Unions will generally be a cause of loss to the labourers in the non-unionist occupations.

From the recognition of this fact arises a serious question of right and wrong, as between Unionists and the remainder of the labouring classes. As between themselves and their employers, they are under no obligations but those of prudence. The employers are quite capable of taking care of themselves. Unionists are under no moral duty to their employers which the conditions they may seek to impose on them can possibly violate. But they owe moral duties to the remainder of the labouring classes, and moral duties to the community at large; and it behoves them to take care that the conditions they make for their own separate interest do not conflict with either of these obligations.

However satisfactorily the question may admit of being answered, it still requires to be asked, whether Unionists are justified in seeking a rise of wages for themselves, which will in all probability produce a fall of wages, or loss of employment, to other labourers, their fellow-countrymen. Still more is this

question raised by those restrictive rules, forbidding the employment of non-unionists, limiting the number of apprentices, &c., which many Unions maintain, and which are sometimes indispensable to the complete efficacy of Unionism. For (as Mr. Thornton recognises) there is no keeping up wages without limiting the number of competitors for employment. And all such limitation inflicts distinct evil upon those whom it excludes—upon that great mass of labouring population which is outside the Unions; an evil not trifling, for if the system were rigorously enforced it would prevent unskilled labourers or their children from ever rising to the condition of skilled. In what manner is a system which thus operates, to be reconciled either with the obligations of general morality, or with the special regard professed by labouring men for the interest of the labouring class? To the justification of Unionism it is necessary not only that a mode of reconciliation should exist, but that Unionists should know it and consider it; for if there is ever so good a defence of their conduct, and they do not know or care about it, their case is morally the same as if there were none. Unionists who do not concern themselves with these scruples are, in intention, sacrificing the interests of their fellow-labourers, the majority of the labouring classes, to their own separate advantage; they are making themselves into an oligarchy of manual labourers, indirectly supported by a tax levied on the democracy.

There are, however, two considerations, either of

which, in the mind of an upright and public spirited working man, may fairly legitimate his adhesion to Unionism. The first is, by considering the Unions of particular trades as a mere step towards an universal Union, including all labour, and as a means of educating the *élite* of the working classes for such a future. This is well put by Mr. Thornton :—

“Though, in the interests of universal labour, the formation of national and cosmopolitan unionism be clearly an end to be aimed at, the best, if not the only means to that end is the previous formation and bringing to maturity of separate trade unions. The thing is scarcely to be done, if done at all, in any other way. National unionism is only to be built up piecemeal. To begin by laying foundations coextensive with the area to be finally covered, would be a sure way of never getting beyond the foundations. The only plan at all feasible, is for separate sections of labourers to organise themselves independently, and for each separate organisation to confine its attention to its own affairs, wherein it would long find abundant occupation without troubling itself about those of its neighbours, until it and they, having grown strong enough to stand alone, should perceive it to be for their mutual advantage to coalesce and stand together. This is the plan which, unconsciously perhaps for the most part, trades’ unions are at present following, each in obedience to its own selfish instinct, seeking only to do the best for itself, yet each doing thereby the best for the others also. That this or any other plan will ever really eventuate in the formation of a confederacy embracing the entire working population, may to most people appear an utterly chimerical notion, and no doubt the chances are great against its realisation. But the thing, however improbable, is not more improbable than some of the actual phenomena of unionism

would not long since have appeared. Half a century back, while the marvellous organising aptitudes of working men lay dormant and unsuspected, it would have been quite as difficult for any one to look forward to the existing 'amalgamation' of little less than 50,000 engineers or 70,000 miners, as it is now to imagine that in another century or so—no very long period in a nation's life—a combination of these and of other associations may weld together the whole community of British workmen as one brotherhood. At the present rate of progress less than a hundred years would suffice for the operation." (Pp. 289, 290.)

This prospect may appear too remote, and even visionary, to be an actuating motive with any considerable number of Unionists; but it is certainly not beyond the aspirations of the intelligent leaders of Unionism, and what is more, some great steps have already been made in the direction of its realisation. A generation ago all Unions were local, and in those days strikes were much more frequent, much oftener unreasonable, and much oftener attended with criminal excesses, than is the case at present. Since then, a number of the most important trades have been formed into Amalgamated Societies extending to the whole country, and a central council decides with a view to the interests of the entire trade, what conditions shall be imposed on employers, and in what cases strikes shall take place. And it is admitted that the rules of these Amalgamated Societies are much less objectionable than those of the local unions previously were, and that the central body prevents many more strikes than it sanctions. The immediate



motive to the amalgamations was, of course, the experience that attempts in one town to obtain a rise of wages, only caused the transfer of the business to another. Concert having been at length substituted for competition between different towns, the Unions now aim at effecting the same substitution between different countries; and within the last few years there is a commencement of International Congresses of working people, to prevent the efforts made in one country from being frustrated for want of a common understanding with other countries. And there can be little doubt that these attempts to lay the foundation of an alliance among the artisans of competing countries, have already produced some effect, and will acquire increasing importance.

There is, however, another, and a less elevated, but not fallacious point of view, from which the apparent injustice of Unionism to the non-united classes of labourers may be morally vindicated to the conscience of an intelligent Unionist. This is the Malthusian point of view, so blindly decried as hostile and odious, above all, to the labouring classes. The ignorant and untrained part of the poorer classes (such Unionists may say) will people up to the point which will keep their wages at that miserable rate which the low scale of their ideas and habits makes endurable to them. As long as their minds remain in their present state, our preventing them from competing with us for employment does them no real injury; it only saves ourselves from being brought down to their level. Those

whom we exclude are a morally inferior class of labourers to us; their labour is worthless, and their want of prudence and self-restraint makes them much more active in adding to the population. We do them no wrong by intrenching ourselves behind a barrier, to exclude those whose competition would bring down our wages, without more than momentarily raising theirs, but only adding to the total numbers in existence. This is the practical justification, as things now are, of some of the exclusive regulations of Trades' Unions. If the majority of their members look upon this state of things, so far as the excluded labourers are concerned, with indifference, and think it enough for the Unions to take care of their own members, this is not more culpable in them than is the same indifference in classes far more powerful and more privileged by society. But it is a strong indication of a better spirit among them, that the operatives and artisans throughout the country form the main strength of the demand, rapidly becoming irresistible, for universal and compulsory education. The brutish ignorance of the lowest order of unskilled labourers has no more determined enemies, none more earnest in insisting that it be cured, than the comparatively educated workmen who direct the Unions.

The moral duties which Unionists owe to society at large—to the permanent interest of the nation and of the race—are still less regarded than the duties imposed by good feeling towards their own class. There is as little practical sense of such duties in the

minds of workmen as in those of employers—and there can scarcely be less. Yet it is evident (for instance) that it cannot be right that a contest between two portions of society as to the terms on which they will co-operate, should be settled by impairing the efficacy of their joint action. There must be some better mode of sharing the fruits of human productive power than by diminishing their amount. Yet this is not only the effect, but the intention, of many of the conditions imposed by some Unions on workmen and on employers. All restrictions on the employment of machinery, or on arrangements for economising labour, deserve this censure. Some of the Unionist regulations go even further than to prohibit improvements; they are contrived for the express purpose of making work inefficient; they positively prohibit the workman from working hard and well, in order that it may be necessary to employ a greater number. Regulations that no one shall move bricks in a wheelbarrow, but only carry them in a hod, and then no more than eight at a time; that stones shall not be worked at the quarry while they are soft, but must be worked by the masons of the place where they are to be used; that plasterers shall not do the work of plasterers' labourers, nor labourers that of plasterers, but a plasterer and a labourer must both be employed when one would suffice; that bricks made on one side of a particular canal must lie there unused, while fresh bricks are made for work going on upon the other; that men shall not do so good a day's

work as to "best their mates;" that they shall not walk at more than a given pace to their work when the walk is counted "in the master's time"—these and scores of similar examples which will be found in Mr. Thornton's book, equally vexatious, and some of them more ridiculous, are all grave violations of the moral rule, that disputes between classes should not be so conducted as to make the world a worse place for both together, and ultimately for the whole of the community. I do not say that there are never cases which justify a resort to measures even thus bad in principle. A portion of society which cannot otherwise obtain just consideration from the rest, may be warranted in doing a mischief to society in order to extort what it considers its dues. But when thus acting, that portion of society is in a state of war with the rest; and such means are never justifiable but as weapons of war, like the devastation of a country and the slaughter of its innocent inhabitants—things abominable in themselves, but which may unhappily be the only means of forcing a powerful adversary to consent to just terms of accommodation. It is palpably for the good of society that its means of production, that the efficacy of its industry, should be as great as possible, and it cannot be necessary to an equitable division of the produce to make that efficacy less. The true morality of the workmen would be to second zealously all means by which labour can be economised or made more efficient, but to demand their share of the benefit. In what shape

they shall obtain it, is a matter of negociation between the parties, the difficulties of which may be greatly lightened by an impartial arbitration; and it is in such cases, above all others, that advantage might be expected from the Councils of Conciliation, which Mr. Mundella and Mr. Rupert Kettle have so forcibly advocated, and have carried so successfully into practice in their respective localities. The identification of the interest of the workmen with the efficiency, instead of the inefficiency of the work, is a happy result as yet only attained by co-operative industry in some of its forms. And if it should prove, in the end, not to be attainable otherwise; if the claims of the workmen to share the benefit of whatever was beneficial to the general interest of the business, became an embarrassment to the masters from which no system of arbitration could sufficiently relieve them, and the growing inconvenience to them from the opposition of interest between themselves and the workmen should stimulate the conversion of existing businesses into Industrial Partnerships, in which the whole body of workpeople have a direct interest in the profits of the enterprise; such a transformation would be the true euthanasia of Trades' Unionism, while it would train and prepare at least the superior portion of the working classes for a form of co-operation still more equal and complete.

It is to this feature in the futurity of labour that the whole of Mr. Thornton's argument leads up: and to this he looks forward as the true solution of the

great economic problem of modern life. Nowhere will be found so compact and comprehensive an account of the various forms of co-operative industry which have been tried in this and other countries with such remarkable success, either by combinations of operatives uniting their small savings, or by capitalist employers admitting their workmen to a participation in profits. I will not weaken these most interesting statements by abridgment, nor is it necessary to prolong this article by disserting on a subject which is every year commanding more of the attention of the best practical minds. The reader may be referred to Mr. Thornton for a conclusive answer to the hesitations concerning the probabilities of success of this great movement, as well as for an inspiring picture of the blessings to human society which may rationally be expected from its progressive realisation. I will rather turn back to Unionism, and conclude with a passage embodying the author's ultimate moral judgment upon it. (Pp. 355—358.)

“Sufficient note has not perhaps been taken of the educational office which unionism is silently and unconsciously performing, and of the softening and composing influence which it is insensibly exercising over its constituents. Mere union, quite irrespectively of any special object, is of itself beneficial discipline. The mere act of association is of itself a wholesome subordination of the individual to the general. Merely to combine for some common object, causes people to take pride and pleasure in that object, whatever it be, and renders them ready to make sacrifices for its furtherance. And if the object be mutual defence and mutual

support, then, for the associates to take an interest in it and in each other, is one and the same thing. Among trades' unionists accustomed to look to each other for assistance in sickness, in distress, and in old age, the sense of mutual dependence begets mutual attachment. In their official intercourse they speak of each other as 'brothers;' and the word is not an empty sound, but indicates the sort of relationship which they at least desire should subsist between them, and which, because they do desire it, is sure to grow up. So far their sympathies have already widened, and it is characteristic of all moral expansion never to cease expanding. Those who, from caring for none but themselves, have got so far as to care for their fellow-workmen, will not stop till they have learned to care for all their fellow-men. Love of their class will prove to have been only an intermediate stage between self-love and love of their kind. Nor is it only indirectly that unionism is qualified to contribute towards this moral development. Certain of its arrangements are calculated to lead straight towards the same result. Hitherto, protection against material evil and acquisition of material good have been its chief care, but higher objects are beginning to claim attention, and intellectual and moral improvement are coming in for a share of solicitude. In the lodges of the London bricklayers, drunkenness and swearing are expressly interdicted. Under the auspices of the Amalgamated Carpenters, industrial schools are being established. These are straws on the surface, showing how the current of unionist opinion is flowing. The day may not be very distant when increasing *esprit de corps* will make Amalgamated Engineers and Carpenters as proud individually of their respective societies, as jealous of their honour, and as unwilling to disgrace them, as the officers of the old Bengal Engineers used to be of their connection with that pre-eminently distinguished corps; and in proportion as those

feelings become general among unionists, in the same proportion may unionism be expected to divest itself of its offensive attributes, exchanging eventually past violence and extravagance for as much moderation as its nature will admit of.

“ Still, even when so modified and chastened, the necessity for its continuing to exist at all will continue to be an evil. The one constitutional vice, inherent in and inseparable from unionism, is its being a visible and a tangible embodiment of that antagonism between labour and capital, which has always been the curse of the one and a thorn in the flesh of the other. . . . The utmost successes of which it is capable can never be such as well-wishers of their fellow-men, with any catholicity of sympathy, will be much disposed to rejoice over. Its highest achievements must always fall very short indeed of the consummation to which speculative philanthropy loves to look forward, when labour and capital, no longer needing to keep each other's aggressiveness in check, shall cordially combine for mutual co-operation. . . . But until the alliance is effected, and as long as the antagonism subsists, trades' unionism will continue to be an indispensable auxiliary of labour, and the sooner it is so recognized, both by the legislature and by capitalists, the better for the public peace.”



## PROFESSOR LESLIE ON THE LAND QUESTION.\*

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THE founders of Political Economy have left two sorts of disciples: those who have inherited their methods, and those who have stopped short at their phrases; those who have carried on the work of the masters, and those who think that the masters have left them no work to do. The former follow the example of their teachers in endeavouring to discern what principles are applicable to a particular case, by analysing its circumstances; the latter believe themselves to be provided with a set of catch-words, which they mistake for principles—free-trade, freedom of contract, competition, demand and supply, the wages fund, individual interest, desire of wealth, &c.—which supersede analysis, and are applicable to every variety of cases without the trouble of thought. In the language of Mr. Leslie, himself one of the best living writers on applied political economy—

“A school of economists of no small pretensions, strongly represented in Parliament, supposes itself to be furnished

\* *Fortnightly Review*, June 1870.—‘Land Systems and Industrial Economy of Ireland, England, and Continental Countries.’ By T. E. Cliffe Leslie, LL.B. of Lincoln’s Inn, Barrister-at-Law, Examiner in Political Economy in the University of London, and Professor of Jurisprudence and Political Economy in the Queen’s University in Ireland, and Queen’s College, Belfast. London: 1870.

with a complete apparatus of formulas, within which all economic knowledge is comprised;—which clearly and satisfactorily expounds all the phenomena of wealth, and renders all further investigation of the causes and effects of the existing economy of society needless, and even mischievous as tending to introduce doubt and heresy into a scientific world of certainty and truth, and discontent and disturbance into a social world of order and prosperity.”\* (P. 89.)

Since the downfall of Protectionism made Political Economy a term of honour, and no longer, with the classes dominant in politics and society, one of opprobrium, this routine school of political economists have mostly had things their own way; the more easily, as they comprise in their ranks some men of more than ordinary talents and acquirements, but who share the common infirmity of liking to get their thinking done once for all, and be saved all further trouble except that of referring to a formula. The ascendancy, however, of this school has always been disputed by those who hold that general maxims should be helps to thought, not substitutes for it. And the progress of events is now thrusting into the front, not merely of theoretical discussion, but of practical statesmanship, problems which definitely separate these two kinds of political economists, and put in evidence the broad distinction between them. Such is, in a pecu-

\* Mr. Leslie adds: “Political writers and speakers of this school have long enjoyed the double satisfaction of beholding in themselves the masters of a difficult study, and of pleasing the powers that be, by lending the sanction of ‘science’ to all established institutions and customs, unless, indeed, customs of the poor. Instead of a science of wealth, they give us a science *for* wealth.”

liar degree, the question of Land Tenure, in Ireland and in England.

The Irish land difficulty having shown, by painful experience, that there is at least one nation closely connected with our own, which cannot and will not bear to have its agricultural economy ruled by the universal maxims which some of our political economists challenge all mankind to disobey at their peril; it has begun to dawn upon an increasing number of understandings, that some of these universal maxims are perhaps not universal at all, but merely English customs; and a few have begun to doubt whether, even as such, they have any claim to the transcendent excellence ascribed to them. The question has been raised whether the administration of the land of a country is a subject to which our current maxims of free trade, free contract, the exclusive power of every one over his own property, and so forth, are really applicable, or applicable without very serious limitations; whether private individuals ought to have the same absolute control, the same *jus utendi et abutendi*, over landed property, which it is just and expedient that they should be permitted to exercise over moveable wealth.

Once fairly raised, this question admits of but one answer. The distinction between the two kinds of property is fundamental.

In the first place, land is a monopoly, not by the act of man, but of nature; it exists in limited quantity, not susceptible of increase. Now it is an

acknowledged principle that when the State permits a monopoly, either natural or artificial, to fall into private hands, it retains the right, and cannot divest itself of the duty, to place the exercise of the monopoly under any degree of control which is requisite for the public good.

This control, moreover, is likely to be peculiarly needful, when the State has allowed private persons to appropriate the source from which mankind derive, and must continue to derive, their subsistence. The community has too much at stake in the employment of the land as an instrument for the supply of human wants, to be entitled to recognise any right in individuals to make themselves an impediment to the most beneficial use of it for that end. Wherever might is not accepted as a sufficient basis of right, the justification of private property in land has rested on the theory that most is made of the land for the good of the community by giving that full play to the stimulus of self-interest which is given by private ownership. But this theory, though it has a foundation in truth, is by no means absolutely true ; and the limits of its truth ought to be the limits of its practical application. The self interest of the owners of land, under perfect freedom, coincides with the general interest of the community up to a certain point, but not wholly ; there are cases in which it draws in a totally opposite direction. Not even in the point of view of Production is there a complete coincidence between the private interest of landowners and the

public interest. In that of Distribution, whether the institution of private property in land should include the concession, to enrich a class, of all that annual increase of wealth which the mere progress of capital and population, in a prosperous community, showers down upon landlords without any exertion or sacrifice of their own, is a question not raised by Mr. Leslie, and which, for the present, we are content to leave undiscussed. But the self-interest of landlords is far from a sufficient security for their turning the land to the best account, even as to its productive powers.

“It has been urged,” says Mr. Leslie, “even by economists of eminence, . . . that the best security the public can obtain for the good management of land is the personal interest of its private holders. The desire of wealth, it is urged, must impel the possessors of land, like the owners of capital in trade, to make the best commercial and productive use they can of their possessions. Political economy, I must affirm, countenances no such assumption. The desire of wealth is far from being a productive impulse under all circumstances; it is, on the contrary, sometimes a predatory one. And the fundamental assumption of political economy with respect to it is, that men desire to get wealth with the least possible trouble, exertion, and sacrifice; that besides wealth, they desire ease, pleasure, social position, and political power; and that they will combine all the gratification they can of their other desires with the acquisition of wealth. The situation of the inheritor of a large landed estate is entirely different from that of the trader, of whom (trained to habits of business, exposed to competition, and influenced not only by the desire of gain, but by the fear of being driven from

the market altogether by better producers) it is true that the best security the public can have for the good management of his capital is his own private interest. It is as contrary to political economy as to common sense to assume that a rich sinecure tends to make its possessor industrious and improving ; and the landholders of this country are the holders, not only of rich sinecures, but of sinecures the value of which tends steadily, and often rapidly, to increase without any exertion on their part. . . . The interest of the proprietors of land is, according to the assumption their own conduct compels us to make, to get as much, not only of money, but of amusement, social consideration, and political influence as they can, making as little sacrifice as they can in return for any of those advantages, in the shape of leases to their tenants, the improvement of their estates, or even residence upon them when other places are more agreeable. That they are frequently guided solely by their interest in this sense is borne out by notorious facts ; by absenteeism, by the frequent absence of all improvement on the part of the landlord and the refusal of any security to the tenant, by the mischievous extent of the preservation of game and the extension of deer-forests over what once was cultivated land. The single circumstance that tenancy from year to year, a tenure incompatible with good agriculture, is the commonest tenure both in England and Ireland, affords positive proof that the interest of the landlord is no security to the public for the good management of the land in the absence of all interference of law." (Pp. 123-6.)

"Wealth," the author says elsewhere (p. 88), "is not the predominant interest of the most powerful classes."

But though the self-interest of landlords frequently operates to frustrate, instead of promoting, the interest which the community has in the most effective use of

the productive powers of the soil, there is another party concerned whose self-interest does work in that useful direction ; and that is, the actual cultivator of the soil, if he be either a small proprietor, or a tenant on conditions which secure to him the full fruits of his labour and outlay :—

“ He is a farmer by profession, with the habits of one, and exposed to much competition ; he has his livelihood to make, and he would of course be glad to make his fortune too, by his farming. The public can, therefore, count upon the tenant doing his best by the land, if he is sure of deriving the benefit. But if he has no prospect of doing so, it becomes, on the contrary, his interest to labour only for the present, and to employ his savings and leisure anywhere rather than upon the permanent improvement of his farm. And that he cannot obtain the requisite security from contract alone, is evident both from what has been said of the interest and conduct of landlords in the matter, and from the fact . . . . that the Courts and the Legislature have found it necessary to interpose law after law to secure the property in their own improvements to the tenants.” (P. 126.)

It is a great step in advance, and a signal triumph of political necessity over inveterate prejudice, that Parliament is now passing a bill which recognises that in Ireland at least, security of tenure is indispensable to enlist the self-interest of the occupier of land on the side of good cultivation, and that this security cannot, in Ireland, be trusted to the operation of contract, but must be provided by law. There is something amusingly *naïf* in the form in which this interference of legislation represents itself to the minds of

many who, with considerable reluctance, find themselves forced to support it. According to them, it is a deeply to be regretted, but unavoidable, setting aside of what they call the principles of political economy, in consequence of insuperable difficulties. May I venture to suggest that there are no such principles of political economy as those which they imagine themselves to be violating? The principles of political economy, as of every other department of knowledge, are a different thing from its practical precepts. The same principles require different precepts, wherever different means are required for the same ends. If the interest of landlords does not afford sufficient security to tenants, it is not contrary, but in the strictest conformity, to the teachings of political economy, to provide other security instead. The absolute power of landlords over the soil is what political economy really condemns; and condemns in England as well as in Ireland, though its economic mischiefs are not, in England, so flagrant and unqualified.

Mr. Leslie's volume is partly a republication of essays which have appeared during the last three years in periodicals. But they are as fresh, and as germane to the present state of the question, as if they had been written yesterday; and they are supplemented by others which bring up the information and discussion to the latest date. They all relate to some of the aspects of the question of Land Tenure, and may be classed under three heads: the land question as it



is in Ireland, the land question as it is in England, and the agricultural economy of those continental countries which the author has had the means of personally observing. We cannot attempt to give an adequate view of the contents of the volume; but in the hope of directing readers to the work itself, we will touch cursorily on a few of the points on which most stress is laid.

The view which Mr. Leslie takes of the condition of Ireland—and Mr. Leslie is an Irishman, of Ulster, who has studied the operation of economic laws in that country at first hand, and on the spot—is at once unfavourable and encouraging. Encouraging as regards the capabilities of the country, agricultural and even manufacturing, and the capacity of the people for thriving under a more tolerable land system; but unfavourable, as he considers much of the improvement alleged to have taken place, and to be still in progress, under the present system, in consequence of the famine and the emigration, to be merely imaginary. He denies the virtue either of emigration, or of the other favourite English prescription—the consolidation of farms—as a cure, or even much of a palliation, for Irish poverty. As a matter of fact, he asserts that the increase of wages which has taken place, considerable as it appears in comparison with the former standard, is not much more than equivalent to the rise in the price of articles of consumption caused by the gold discoveries, and by the railways, which have everywhere so greatly increased the price of agri-

cultural produce in what were once, from the inaccessibility of markets, the cheap regions of the world. As a matter of science, he justly criticises the sweeping generalisation which assumes that whatever reduces the supply of labourers must proportionally raise wages, without regard to the effect which, in certain economic conditions, even a small rise in the price of labour may produce on the demand. On this subject he has shown that there is room and need for a supplementary chapter or section in our treatises on political economy; and it is no blame to him if, in a volume of this character, he rather points out the want than supplies it.\* As far as Ireland is con-

\* "The bargain of wages is a transaction between the individual employer and his men; what that employer can give depends on *his own* means or profits, and not on the sum of the funds in his own and other people's possession. . . . The aggregate amount of the funds expendible as wages does not, given the number of labourers, determine the rate of wages at all. . . . Were only one labourer left in the country, would he earn as much as all the former labourers put together? Clearly not; unless he did as much work, and worked for all employers at once; for how else could the money be forthcoming to pay him? . . . If a single employer, or a few who could combine, had the entire amount, all the labour in the country which could not emigrate might be hired for its bare subsistence, whatever the rate in the power of the employer to give. Again, if the whole amount were, as it really is, very unequally shared among employers, the price of labour might be immeasurably lower than if it were equally shared; just as, at an auction, the prices paid for things will probably be immensely higher if the purchasers have equal means, than if most of the money is in the hands of a few. If two bidders, for example, have each £50, one of them may have to spend his whole fifty to get half what he wants; but if one of them has but £5, and the other has £95, the latter may get all he wants for £5 5s." (Pp. 41, 87.) Hence a very large emigration might take place, and yet the rise of wages be stopped at what the bulk of the employers of labour—in Ireland a

cerned, his opinion is, that the extensive substitution of pasture for tillage which has been taking place during the whole period of the emigration, and has been greatly facilitated by it, has curtailed the demand for labour in a proportion fully equal to the diminution of the supply. And the facts adduced, not only by Mr. Leslie, but by Professor Lyon Playfair, in his essay in *Recess Studies*, "On the Declining Production of Human Food in Ireland," show that this transformation and, in fact, supersession of rural industry, which at first only diminished the produce of tillage, but greatly increased the products of grazing farms, has now for some years decreased even the number of cattle, "through the want of winter keep, and what is worse, through a positive deterioration of the depastured soil," its fertilizing elements, instead of being restored to it, having been carried out of the country in the bodies of the exported cattle (p. 65). The single exception to the decline in the number of animals is sheep, the only farm product which increases in a soil abandoned to nature, and which,

very poor class—could afford to pay. "Although emigration may force employers either to pay more for labour or to forego it, it cannot enable them to pay more for it, as higher prices of produce will do; . . . it may, on the contrary, compel or determine them to diminish their outlay upon it, may force or induce them to relinquish enterprises already on foot, to forsake tillage for pasture, to emigrate themselves, and in various other ways to withdraw funds from the labour market. It may actually disable them from paying the same rate of wages as formerly, by withdrawing the strongest and most skillful hands from their employment; and again, in place of being the cause of a rise in the rate of wages, it may be the consequence of a fall." (P. 97.)

accordingly, has greatly increased in Ireland. The "decay of husbandmen" and diminution of the produce of agriculture has had its natural effect in the decay of the country town and the village; and Mr. Leslie draws a sad picture of the desolation of the poverty-stricken country towns, the eastern coast excepted, which has been saved by the trade with England. Even the rise of prices, seemingly so beneficial to the farmer, is, under the wretched land system of Ireland, often the very reverse. "Rising prices, in themselves, and unaccompanied by security, only imperil the position of the tenant farmer, by tempting the proprietor to sudden changes in the terms of the tenure, or in the tenancy itself." (P. 63.) And tenancy at will is more universally the rule at this moment than it has been for several generations. "The natural consequence has been that system of husbandry which so experienced a judge as Mr. Caird lately described as everywhere meeting his eye, save in Ulster and the eastern seaboard of the country. 'What the ground will yield from year to year at the least cost of time, labour, and money is taken from it.'"

The consolidation of farms, from which so much was expected, and which so many Englishmen still honestly believe to be the panacea for Irish poverty, perversely resisted by a population which it would essentially benefit, has proved, no less than the emigration, a complete failure as regards the prosperity of the country.

"Mr. Brodrick, in one of the essays which the Irish land

question has elicited from distinguished Englishmen, mentions with something of surprise, as a fact of which his inquiries in the island have convinced him, that fifteen and ten-acre farmers in Ireland pay a higher rent than larger farmers, with at least equal punctuality. The truth is that they generally produce more; and that the consolidation of farms means the diminution of crops, the extension of grazing, and, sooner or later, the exhaustion of the soil. The table in the note, taken from the last volume of Irish agricultural statistics, affords conclusive evidence that cultivation decreases, and 'grass, bog, and waste' increase, in exact proportion to the size of farms. It may be true that not a few of the small holdings which have disappeared in recent years, were, soil and situation considered, too diminutive; but they were so because the best land has been generally given to large grazing farms; and because the same error which has made landowners look with disfavour on small farms, has led them to drive them to the worst ground and the worst situations, and to limit unduly both the duration of their tenure and the amount of land left to them. The consolidation of farms, in place of being an advance, has involved a palpable retrogression in Irish husbandry and in its productiveness." (P. 67.)

Since the immense produce raised from the barrenest soil in the small farms of Belgium, and the higher rent they actually pay, compared with large farms, have been made generally known in England, attempts have been made by Lord Rosse, Lord Dufferin, and others, to make out that the experience of Flanders, from difference of climate and other causes, is not applicable to Ireland. Mr. Leslie maintains, on the contrary, that the success of the *petite*

*culture* in Flanders has been attained in spite of great disadvantages, not only of soil but of climate; that the British islands have much greater natural advantages than Flanders, for the success of five-acre farms; that "there is hardly any part of Europe, save England, better fitted for farms of the smallest description than the greater part of Ireland, including its waste lands; and even its waste lands could be made highly productive by Flemish agriculture." (Pp. 18, 20.) Nor are the Irish peasantry, under anything like fair play, incapable of the qualities necessary for doing the fullest justice to small holdings.

"In a southern county on this side, not many years ago a backward one from its isolation, there is a locality comprising several large estates well known to the writer, which, within his remembrance, and chiefly within very recent years, has undergone a complete transformation. It was farmed as most other parts of Ireland were farmed in his childhood; it is now farmed as well as any part of England, and a single dealer in a small town within it sells artificial manure to the value of £25,000 a year, who could probably not have sold a pound's worth to a former generation. From this locality, a large proprietor, of English descent, himself the cause of much of the improvement he describes, and who used to define the Irish tenant as a creature to whom multiplication and subdivision come by nature, but to whom the art of man cannot communicate an idea of farming or forbearance from marriage, now reports:—'The twenty-acre men are holding on well, farming far better than formerly, and not involving themselves, as formerly, with wives and families as a matter of course. The farming of this class—Roman Catholics and indigenous Irish—is exceedingly improved;

their prudence in the matter of marriage still more remarkable; their sisters and younger brothers, too, remaining frequently unmarried, as they will not marry out of their class, unless to better themselves.' . . . . Other instances of a landlord's good example being followed by his tenants, where English markets have come within reach, and English improvements in farming have become known, fell under the writer's observation in a recent visit to other eastern counties; and from one that was not visited, a farmer, loud for tenant-right, writes:—'Farming in general is greatly improving in this district and the neighbouring ones. Here farmers are to some extent able to compete with the landed proprietors at agricultural shows and the like.' " (P. 39.)

It is not, therefore, as so often idly pretended, from any original incapacity or inveterate habits in the Irish race, that production and prosperity are declining throughout the whole space contained between "a line from Dublin to the nearest point of Lough Swilly in the north, and another to Bantry Bay in the south" (p. 70), a space including nearly three-fourths of the island. But to say more at present on the Irish part of the land question is inconsistent with our limits.

The land question in England, as Mr. Leslie justly observes, is unlike the land question in Ireland; but the evils of the system are different in kind rather than inferior in degree. The land question in Ireland is a tenant's question; and what the case principally requires is reform of the conditions of tenure. The land question in England is mainly a labourer's question, though the tenants also suffer deeply from the

same causes which have reduced the labourers to their present state. Mr. Leslie tells once again the sad history of the divorce of the peasantry from the land. In England, unlike many other countries, the descendants of serfs had risen into a yeomanry, regarded by cotemporary chroniclers as the main strength of the country, both in war and in peace. In the last quarter of the seventeenth century the number of these small landed proprietors still "exceeded that of the tenant-farmers, amounting at the most moderate estimate to not less than 160,000 proprietors, who with their families must have made more than a seventh of the whole population." (P. 164, and the passage of Macaulay therein quoted.) But now—

"The landed yeomanry, insignificant in number and a nullity in political power, are steadily disappearing altogether; the tenant-farmers have lost the security of tenure, the political independence, and the prospect of one day farming their own estate, which they formerly enjoyed; and lastly, the inferior peasantry not only have lost ground in the literal sense, and have rarely any other connection with the soil than a pauper's claim, but have sunk deplorably in other economical aspects below their condition in former centuries. Thus a soil eminently adapted by natural gifts to sustain a numerous and flourishing rural population of every grade, has almost the thinnest and absolutely the most joyless peasantry in the civilised world, and its chief end as regards human beings seems only to be a nursery of over-population and misery in cities." (P. 163.) "Every grade of the rural population has sunk; the landed yeomanry are almost gone; the tenant-farmers have lost their ancient independence and



interest in the soil ; the labourers have lost their separate cottages and plots of ground, and their share in a common fund of land ; and whereas all these grades were once rising, the prospect of the landed yeomanry is now one of total extinction ; that of the tenant-farmers, increasing insecurity ; that of the agricultural labourer, to find the distance between his own grade and that of the one above him wider and more impassable than ever, while the condition of his own grade is scarcely above that of the brutes. Once, from the meanest peasant to the greatest noble, all had land, and he who had least might hope for more ; now there is being taken away from him who has little even that which he has—his cottage, nay, his separate room. Once there was an ascending movement from the lowest grade towards the highest ; now there is a descending movement in every grade below the highest. Once the agricultural class had a political representation, and a voice in legislation, which they dared to raise against the landed gentry and nobility ; now the latter have the supreme command at once of the soil and of the suffrages of its cultivators.” (P. 174.) “In fact, there is no longer a true rural population remaining, for the ends, political, social, and economic, which such a population ought to fulfil.”

The means by which these lamentable changes have been brought about may be found in Mr. Leslie’s volume, or in Mr. W. T. Thornton’s “Over-population and its Remedy.” They are summed up by Mr. Leslie, so far as relates to the labourers, in the following catalogue (p. 207):—

“Briefly enumerated, the chief causes by which the peasantry—the really most important class—have been dispossessed of their ancient proprietary rights and beneficial interests in the soil are the following:—

“(1) Confiscation of their ancient rights of common, which were not only in themselves of great value, but most important for the help they gave towards the maintenance of their separate lands.

“(2) Confiscation to a large extent of their separate lands themselves, by a long course of violence, fraud, and chicane, in addition to forfeitures resulting from deprivation of their rights of common.

“(3) The destruction of country towns and villages, and the loss, in consequence, of local markets for the produce of peasant farms and gardens.

“(4) The construction of a legal system based on the principle of inalienability from the feudal line, in the interest of great landed families, and incompatible with either the continuance of the ancient or the rise of a new class of peasant landholders.

“(5) The loss, with their lands and territorial rights, of all political power and independence on the part of the peasantry; and, by consequence, the establishment and maintenance by the great proprietors of laws most adverse to their interests.

“(6) Lastly, the administration by the great landowners of their own estates in such a manner as to impoverish the peasantry still further, and to sever their last remaining connection with the soil.”

These various headings are explained and expounded in the pages which follow; and the author concludes—

“The Irish land question is of more importance politically than the English for the hour, but it is not so economically even for the hour; and it is so politically for the hour only. Economically, the emergency is much greater at this moment in this than in the other island; the main

land question here relates to a poorer class than even the Irish tenantry, and there is a much greater amount of material misery and actual destitution in England, traceable mainly to its own land system, though aggravated by that of Ireland and the consequent immigration of poverty.

“The day is not distant when the supreme question of English as of Irish politics, will be whether the national territory is to be the source of power and luxury to a few individuals, or of prosperity and happiness to the nation at large? and whether those few individuals, or the nation at large, are to determine the answer?” (P. 229.)

Thus complete has been the failure of the English agricultural economy, if we look, not to the prosperity of landlords, nor even to the amount of produce raised from the soil, but to the truest test—the condition of the mass of the population. But when we pass, in our author’s pages, from the picture of the evils to the suggestion of remedies, we are struck by a sense of their inadequacy. We imagine Mr. Leslie himself would be the first to admit that he does little more than break ground on the subject.

The causes of evil, in Mr. Leslie’s apprehension, are, that landed property is in too few hands; that the movement even towards large farms has been carried too far; and that tenants have not sufficient security of tenure. Remedial measures, he believes, will be efficacious, just in so far as they tend to increase the number of proprietors of land, and to give to tenants the security of a long lease. To attain the former object—

“There are three different methods recorded in history to make choice from. One is the French law of partition of family property among all children alike—an expedient which deserves no higher commendation than that it is better than the feudal system of disinheriting all the children but one. A second method which suggests itself with higher reason on its side, is a limitation of the amount of land that any single individual shall take by inheritance. Such a measure, however shocking to present proprietary sentiments, could not diminish the real happiness, it may safely be asserted, of one human being in the next generation; nor can it be confidently pronounced that the mischief resulting from the long retention of a restriction of a different kind upon the possession of land may not yet be found such that some such measure will be of necessity adopted, to make room for the natural increase of population. But it would be a remedy which only a violent revolution could at present accomplish. . . . . And if neither the French system of partition nor the agrarian system of the Gracchi is to be our model, . . . . . we may yet find a model in the general tendency of English law reform since the system was established which first limited property in land to a particular line of descent in a particular number of families; for that end depriving each successive proprietor of the chief uses of property itself. The feudal landowner forfeited the right to sell his own land, to leave it by will, to let it securely, to provide for his family out of it, to subject it to the payment of his debts; he forfeited, therefore, the chief rights of property, taking only in exchange a right to confiscate the property of his tenants.” (P. 191.)

Mr. Leslie's proposal is to restore to him these legitimate rights, abolishing all restrictions which deprive the owner of land for the time being of the power of alienation.

“To extinguish the force of settlements as binding and irrevocable instruments, save so far as a provision for a wife is concerned ; to put family settlements, save as to a wife, on the same footing as wills, *ipso facto* void upon marriage, and revocable by any subsequent conveyance or will ; to enact that each successive proprietor shall take the land he succeeds to, free from any restriction on his rights of proprietorship ; and further, to make provision that all lands left burdened with any charges shall be sold immediately on the death of the owner to pay off the incumbrance ; with the addition, of course, of assimilating the devolution of land, in case of intestacy, to that of personal property.” (Pp. 198—200.)

In order to judge of these proposals, it is not necessary to have come to a positive conclusion on the rather difficult legislative question, whether and in what cases settlements should be permitted ; in other words, whether and to what extent an owner of property should have power to bequeath to one person a life-interest, and to another or others the succession after the death of the first. It is evident that settlement of property may be permitted without permitting settlement of land. It would be sufficient to enact that testamentary dispositions which do not confer unrestricted ownership on the person in whose favour they are made, shall not be valid for the land itself, but only for the proceeds of its sale. There are not the same objections to tying up consols and similar representative wealth from alienation, which there are in the case of the actual sources of production ; and if, without forbidding the landowner to re-

gulate, within certain limits, the descent of his pecuniary means beyond his immediate successor, it were put out of his power to detain for this purpose any portion of the land of the country from general circulation, he would be obliged either to bequeath the land in full ownership, implying liberty of sale, or if he thought it indispensable to tie the hands of his successor, the land would be sold by operation of law at his decease, and the restriction would only apply to the proceeds. Mr. Leslie, as we saw, proposes a sale of land at every succession to the extent necessary for clearing the remainder from all existing incumbrances. Without pledging ourselves to this proposal, which requires mature discussion, we may remark that if it were adopted, the proprietor, being no longer able to charge the land beyond his own life with a provision for younger children, must choose between leaving them a portion of the land itself, and selling a portion to raise money for their benefit. These provisions combined would greatly restrict the power of keeping together large masses of land in a particular line of descent; and it might fairly be anticipated that a great increase would take place in the quantity of land which would annually be brought into the market.

But Mr. Leslie, we should think, must be as well aware as anybody, how little this would do towards making any great part of the land of this country the property of the actual cultivators. In France, and other countries of the Continent, the sale of land

generally means its purchase by the poor; for the poor give the highest price, the rich being neither numerous, nor, in general, addicted to rural duties or pleasures. But in England the sale of land means generally its sale to the rich. The annual accumulation of fortunes in manufactures and commerce raises up a perpetual succession of rich families, eager to step into the place of landowners who are obliged to sell. Unless changes much more radical than an increase of the facilities of alienation are destined to take place in this country, nearly all the land, however it may change hands, is likely to remain the property of the rich; nor are the new proprietors more likely than the old to lease their lands on terms more encouraging to the industry and enterprise of their tenants. No doubt, the increased quantity of land in the market would cause a cheapening of its price, which would bring it within the reach of a somewhat greater number of purchasers; and it would occasionally fall into the hands of persons intending to cultivate instead of letting it, but seldom of those who cultivate with their own hands. If the greater marketableness of land is to be made a benefit to the labouring class, it must be in another manner entirely; as, for example, by buying from time to time on account of the public, as much of the land that comes into the market as may be sufficient to give a full trial to such modes of leasing it, either to small farmers with due security of tenure, or to co-operative associations of labourers, as without impairing,

but probably even increasing, the produce of the soil, would make the direct benefits of its possession descend to those who hold the plough and wield the spade. Mr. Leslie has not included any measure of this sort among his proposals, but it is quite germane to his principles, and necessary, we think, to enable them to produce their best effects.

Meanwhile, the measures which he proposes would render possible a multitude of agricultural and industrial enterprises, beneficial to the national wealth, and giving great employment to labour, which at present the restrictions of family settlements make impracticable. We quote at the foot of the page some striking examples of the obstructive operation of these arrangements.\*

\* "About fifteen years ago (Dr. Hancock relates in his 'Treatise on the Impediments to the Prosperity of Ireland') an enterprising capitalist was anxious to build a flax mill in the North of Ireland, as a change had become necessary in the linen trade from hand-spinning to mill-spinning. He selected as the site for his mill a place in a poor but populous district, situated on a navigable river, and in the immediate vicinity of extensive turf bogs. The capitalist applied to the landlord for a lease of fifty acres for a mill site, labourers' village, and his own residence, and of fifty acres of bog, as it was proposed to use turf as the fuel for the steam-engines of the mill. The landlord was most anxious to encourage an enterprise so well calculated to improve his estate. An agreement was concluded; but when the flax-spinner consulted his legal adviser, he discovered that the law prevented the landlord from carrying out the very liberal terms he had agreed to. He was bound by settlement to let at the best rent only; the longest lease he could grant was for three lives, or thirty-one years. Such a lease, however, at the full rent of the land, was quite too short a term to secure the flax-spinner in laying out his capital in building; the statute enabling tenants to lease for mill sites only allowing leases of three acres. The mill was not built, and mark the consequence.



We have not space remaining for an analysis of the third part of Mr. Leslie's Essays, relating to the land systems and agricultural economy of Continental states. They are, however, a valuable contribution

Some twenty miles from the spot alluded to, the flax-spinner found land in which he could get a perpetual interest; there he laid out his thousands; there he has for the last fifteen years given employment to hundreds of labourers, and has earned money. The poor but populous district continues as populous, but, if anything, poorer than it was. During the past season of distress, the people of that district suffered much from want of employment, and the landlord's rents were worst paid out of it than from any other part of his estate." (P. 52.)

"Belfast, the only great manufacturing city in Ireland, owes its greatness to a fortunate accident which converted the ground on which it stands from feudal into commercial territory, by transferring it from a great noble to its own citizens. But the growth of Belfast itself, on one side, has been strictly circumscribed by the rival claims of two noble proprietors, who were in litigation respecting them for more than a generation; and in a step the inhabitant passes from new streets to a filthy and decaying suburb, into which the most enterprising capitalist in the neighbourhood has been prevented from extending his improvements. On the other side of the town is some ground which the capitalist just referred to bought three years ago for the purpose of building; but which remains unbuilt on, in consequence of difficulties in the legal title; although in equity the title is indisputable, and is not disputed. Some years ago the same capitalist contracted for the purchase of another plot of ground in the neighbourhood. It proved, however, that the vendor was precluded by his marriage settlement from completing the contract, although it reserved to him the unusual power to grant leases for 999 years. That, however, did not answer the same purpose; in the first place, because (a consequence of the land system, with its distinction between real and personal property), the succession duties are heavier on leasehold than on freehold estates. What is more important, a tenant for years has not the rights of ownership, as was afterwards experienced in the very case before us. The capitalist accepted a lease for 999 years; although diverted from his original design with respect to the ground. In putting it to a different purpose, he proceeded to level an eminence, and to carry away the gravel for use elsewhere. But the Law of Landlord and

to our knowledge of the subject, relating to regions which the author has himself visited, and has been assisted in his inquiries by high economical and agricultural authorities on the spot: in Westphalia and the Rhur Basin by several persons; in Central France by the eminent M. Léonce de Lavergne; and in Belgium by M. Emile de Laveleye, whose important paper in the Cobden Club volume has recently brought home to many English readers the lessons contained in his remarkable works on Belgium, Holland, and Lombardy. The essays on the Rhur Basin and on La Creuse are most interesting reading, and the facts they contain, when first published by Mr. Leslie, were almost wholly new to English

Tenant says: If a tenant open pits for the purpose of raising stone or waste [?] it will be waste. And this being the law, the landlord actually obtained an injunction to restrain the tenant's proceedings, and mulcted him in damages. Once more; in another county the very same capitalist opened an iron mine by arrangement with the lord of the soil, and commenced works on an extensive scale. The landlord then demanded terms to which he was not entitled by his contract; but the price of Irish iron has not been high enough of late years to defray the cost of a Chancery suit, in addition to the cost of production; and delay, worry, and anxiety are not inducements to industrial enterprise, so the iron works were suspended. Here are five cases within the author's knowledge, all happening in recent years, in which a single individual has been arrested in the course of town enterprise and improvement by the state of the law. . . . It is well known that there are no manufacturing establishments on the Companies' estates, because these London guilds persistently refuse to give perpetuity lease for mill purposes; while on the borders of the county [Londonderry], Cookstown, Ballymena, Ballymoney, and Coleraine, where such leases are granted, manufactures have increased and prospered, and even in the county, where freehold sites can be procured, manufactures have taken root." (Pp. 77-9.)

readers. But the most valuable, for the general purposes of the book, are those on Belgium. Mr. Leslie's paper in the Cobden Club volume had shown, in opposition to a still strong, though diminishing, prejudice, the great success of peasant properties in France. The paper in the present volume on Belgium renders the same justice to the small farms as well as the small properties of that country. If we compare with the minute and well-considered statements of Mr. Leslie and M. de Laveleye, such as are given on the contrary side even by such an authority as Mr. James Howard, in his 'Continental Farms and Peasantry' (though Mr. Howard is by no means absolutely hostile to small farms, but expresses a strong sense of the desirableness of a certain admixture of them), we see nothing in the latter which seriously diminishes the consideration due to the former. Everything in Mr. Howard's remarks which is matter of fact—everything which is the result of actual observation—may be admitted, without affecting the worth of Belgian example as evidence in favour of what the *petite culture* is capable of. There is not a single drawback pointed out by Mr. Howard, which is inseparable from *petite culture*; while even in Belgium the drawbacks are shown by Mr. Leslie and M. de Laveleye to be steadily diminishing.

## TAINE—DE L'INTELLIGENCE.\*

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**M.** TAINE is one of the most known in England—at least by repute—of the present generation of thinkers and writers in France. The fact that one of his principal writings is a History of English Literature, has made his name, in a certain degree, familiar to the readers of our periodicals; and some are aware that his work contains ingenious and original views on the philosophy of literature. But so slender is the interest of most English readers in the philosophy of literature, or in any but the biographic and anecdotic portion of its history; and so excessive is the English distrust of all theories on the subject, that M. Taine's work, notwithstanding its special relation to England, would probably be found to have obtained a greater amount of intelligent recognition, and even of intelligent criticism, in France. A fortune the reverse of this may be prophesied for the able and striking treatise which he has just published. It is fitted to obtain an earlier and higher appreciation in England than in France. The Philosophy of Mind at present excites greater interest, and is more studied, on this side the Channel, than at any

\* *Fortnightly Review*, July 1870.—'De l'Intelligence.' Par H. Taine. Two vols. 8vo. Paris: 1870.

former period of our history, except the brief interval which began with Locke and terminated with Hume and Reid; and M. Taine's treatment of it has more in common with the best English speculation than with any of the philosophies now prevalent in France. Psychology and metaphysics have, it is true, a greater amount of nominal cultivation in France than in England; they are part of the curriculum of all the public establishments for higher instruction, which educate a far larger proportion of the better-off classes than our universities. But the official doctrine of those establishments is the effete philosophy of Royer-Collard, Jouffroy, and Cousin—no longer made stimulating to the intellect by the genius and vigour with which the doctrines of the school were originally given forth by its founders. The long ascendancy of Cousin in the University of France has filled all the chairs of philosophy with disciples, twice or thrice removed, of himself and of the Germans, with the practical effect of alienating most of the minds which have received any scientific training from the study of psychology altogether. M. Comte, the founder of the only rising philosophic movement in France, treated all scientific study of the mind, except through the medium of the brain—we might even say of the skull—as altogether irrational. Those, indeed, of his followers who adhere to the banner of M. Littré, have thrown off this with many other prejudices of their master, and are raising up readers and pupils for the English psychologists and for M. Taine. With

the exception, however, of a very meritorious volume by M. Mervoyer,\* M. Taine's is the first serious attempt to supply the want of a better than the official psychology. His book has a freshness, a vigour, and a scientific spirit, to which we have been long unaccustomed in works of French origin respecting the mind; and though its ultimate influence will probably be great, it will for the present meet with no countenance from any of the recognised representatives of that department of French cultivation. But we feel certain that it will be welcomed, as soon as known, by the most advanced school of English mental science; for, while it has a marked and original distinctive character of its own, unlike any other treatise on the subject, it is in harmony and close alliance with many of the most thorough-going speculations of the Association school of psychology. It diverges from them only in the two concluding chapters, which, in our judgment, overleap the bounds of really scientific inference, and, without even the warrant of supposed intuition *à priori*, claim absolute validity through all space and time for generalizations of human thought, which we can only admit under the inherent limitations of human experience.

The method of M. Taine's work is correctly described in his preface. He there says:—Under the name of our Intellect, what I intend to treat of is our knowledge. The Intellect is only our faculty, capa-

\* 'Etude sur l'Association des Idées.' Par P. M. Mervoyer, Docteur *ès-lettres*. Paris: Aug. Durand, 7, Rue des Grès.

city, or power of knowing ; and faculties, capacities, and powers are not Things, or Entities, having an existence of their own, but merely a mode of classifying, under certain heads, the facts which, by the forms of language, they are spoken of as producing. I, therefore, go at once to the facts themselves, which, in the present case, are the various portions of our knowledge. I endeavour, first, to analyse this knowledge into its simplest elements ; and afterwards to ascertain the laws which govern the assemblage of those elements, and to trace the manner in which, by the operation of these laws, our different kinds of knowledge are built up—from the simplest and most concrete perceptions, memories, and expectations, to our most universal concepts and judgments ; and I attempt to estimate the certitude, and extent of validity, of all these.

The work, therefore, consists of two parts—an Analytic and a Synthetic. The first, or analytic part, entitled “The Elements of Knowledge,” is divided into four books—on Signs, on Images, on Sensations, and on the Physical Conditions of Mental Events. By signs, M. Taine does not mean exclusively names, but anything mental by means of which we think of things not present to our senses. A sign, he says, is always an image, more or less vague or faded. We think of an individual object by what is called our remembrance of it, that is, by a mental image, which, in the normal state, is very much vaguer and fainter than the impression of which it is

a copy. We think of classes of objects by what is called a general idea, or general notion; this, however, is again an image, still more vague in the greater part of its contents, but in which the characters common to the whole class have been made artificially predominant and distinct, by being associated with a name. So that we always, in reality, think by means of images; but we can make a very faint and imperfect image do the work; and it is the instrument of naming, properly used, which alone, in any but the most simple cases, enables us to do this with safety. M. Taine gives a very instructive exposition of the mode in which (as pointed out by Leibnitz, Condillac, and others) these imperfect images do duty in our reasoning processes *symbolically*, in lieu of complete representations of objects. And he shows how, by the artifice of general names, which enables us to ensure the presence, in those mutilated images, of all such characters of the objects as are essential to the reasoning, we are able to arrive at true and definite conclusions respecting objects of which we cannot have a perfectly distinct conception—such as very high numbers, polygons with a thousand sides, and so forth.

All our thoughts, then, being really images, our mental images form the subject of the second book. Their nature, and the laws of their recurrence, and of their decay or obliteration, are copiously illustrated by interesting experiences, drawn both from the healthy and from various morbid conditions. Images, again, being sensations more or less faded or weakened, sen-



sations are next treated of; they are classified and analysed agreeably to the latest physiological discoveries and the most advanced psychology, until the most simple and elementary sensations, or what seem to be such, are arrived at. From sensations the author proceeds to their physical conditions, the constitution and functions, so far as ascertained, of the nervous system.

The analysis of our knowledge having thus been carried down to the simplest elements that can at present be reached, the second part—the Synthesis—commences. This also is divided into four books: Of the different kinds of knowledge; the Knowledge of Bodies; the Knowledge of Mind; the Knowledge of what is general (*des choses générales*).

The first three of these books, and a great part of the fourth, are highly instructive reading to the student of analytical psychology. The distinction between the original and the acquired perceptions of our different senses, the origin and composition of our ideas of external objects, the ultimate analysis of the ideas of matter and mind, and many cognate subjects, are expounded, with great metaphysical acumen, a judicious avoidance of many wrong turnings into which previous thinkers have wandered, and a talent of exposition which adds as much to the substantial value as it does to the attractiveness of the treatise. All these subjects are illustrated by new and characteristic observations and experiences. M. Taine has profited largely by the speculations of the

English thinkers with whom he most nearly agrees, and he fully acknowledges the debt; but his conception of the subject has only been enriched, not suggested by them; what they have taught him seems merely to have fallen into its place in a system of thought commenced within himself. The mutual support which he and they lend to one another is the accordance of independent thinkers.

When, in the fourth book, M. Taine arrives at the subject of our acquisition of general knowledge, he agrees fully, as to the principles of generalisation from experience, with the English writers on the logic of induction, and gives an excellent outline of the doctrines which he holds in common with them. But, as already intimated, there is another part of this final book in which he is at issue with those who are in general his nearest allies, namely, on the evidence of axioms, which he does not, like them, hold to be grounded on experience, and limited by its conditions. Neither does he, however, even in the case of the axioms of geometry, agree with those who consider them to be a peculiar class of truths, known *à priori*, or intuitively evident. He thinks that they may be demonstrated, and classes them among "analytic propositions"—that is, truths latently included in the ideas which are the subject of them, to be proved by evolving them out of the ideas; and he does, ingeniously and quite legitimately demonstrate some of them in this way. But this does not seem to us at all to advance his main position. The

fundamental properties of a straight line may be, and are, contained in our concept of a straight line; but if the concept itself is the product of experience, the truth of the properties comes to us from the same source. The concept can only be made up of properties which we observe: we put the properties into the concept, and what we have put into it there is nothing surprising in our afterwards finding in it. If, then, our idea of a straight line is derived from observation (and we are not sure that M. Taine denies it to be so), all that he maintains respecting the proof of the axioms of geometry may be, and much of it must be, admitted. In acquiring by observation the idea of a straight line, we necessarily acquire, and include in the idea, the knowledge that two straight lines joining the same two points coincide altogether; in other words, do not enclose any space. This property must be, expressly or by implication, a part of any sufficient account we can give of the concept which experience has left in our minds. But a straight line, and this property of it, become known to us simultaneously, and from the same source. When M. Taine goes on to claim for the first principles of other sciences—for instance, of mechanics—a similar origin and evidence to what he claims for those of geometry, and on the strength of that evidence attributes to them an absolute truth, valid for the entire universe, and independent of the limits of experience, he falls into what seem to us still greater fallacies; partly, as we think, by confounding the two mean-

ings of the word Same—Identity, and Exact Similarity. But of this we must leave M. Taine's readers to judge. The merits of his book are such as to command an unprejudiced consideration of that small part of it in which, according to our individual judgment, he has been deserted by that perception of the true conditions of scientific evidence which has guided him through the greater part of his course. The book deserves to be, and we hope will be, universally read by real students of psychology.

## TREATY OBLIGATIONS.\*

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WHILE it is undoubtedly true that, in the practical application even of the best established and most universally received rules of morality, in ninety-nine cases out of a hundred an honest man seldom doubts by which he is to guide his conduct; yet no one, I presume, will deny that there will be found a hundredth case in which different moral obligations conflict. But, though this is not likely to be denied, there exists very generally a cowardly reluctance to look the fact in the face, and make provision for it, as one of the unavoidable inconveniences of an imperfect condition. People are afraid lest the force of recognised duties should be weakened, by admitting the liability of one duty to be overruled by another; and, though well knowing that this does happen, and not prepared to deny that it sometimes ought to happen, they prefer to be excused from giving their approbation beforehand to so unpleasant-looking a fact. The consequence is, that those who, having the responsibility of action, are forced to make for themselves some path through these moral entanglements, finding no rules or principles laid down for them but such as ignore instead of meeting the diffi-

\* *Fortnightly Review*, December 1870.

culties of the case, decide according to the dictate either of their selfish interests, or of some prevailing sentiment, which, if more disinterested, is not necessarily a truer guide. And since national concerns, by reason of their superior complication, afford by far the greatest number of these disputable questions of obligation, this is one (and not the smallest) among the causes of that laxity of principle which has almost always prevailed in public matters, even when the moralities of private life have met with a tolerable amount of observance.

There is no case which more flagrantly exemplifies these general observations than the case of international treaties. Through the greater part of the present century, the conscience of Europe has been habituated to the demoralizing spectacle of treaties made only to be broken. In 1814 and 1815, a set of treaties were made by a general Congress of the States of Europe, which affected to regulate the external, and some of the internal, concerns of the European nations, for a time altogether unlimited. These treaties, having been concluded at the termination of a long war, which had ended in the signal discomfiture of one side, were imposed by some of the contracting parties, and reluctantly submitted to by others. Their terms were regulated by the interests, and relative strength at the time, of the victors and vanquished; and were observed as long as those interests and that relative strength remained the same. But as fast as any alteration took place in

these elements, the powers, one after another, without asking leave, threw off, and were allowed with impunity to throw off, such of the obligations of the treaties as were distasteful to them, and not sufficiently important to the others to be worth a fight. The general opinion sustained some of those violations as being perfectly right; and even those which were disapproved, were not regarded as justifying a resort to war. Europe did not interpose when Russia annihilated Poland; when Prussia, Austria, and Russia extinguished the Republic of Cracow; or when a second Bonaparte mounted the throne of France. England alone, among the great contracting powers, never actively violated this set of treaties; though England, too, was a party after the fact to one of the most justifiable of the violations—the separation of Belgium from Holland. Such is the spectacle which Europe has had before her for half a century; and it is well calculated, one would think, to moderate her surprise, when another treaty, made forty years later, in the same wild hope of fixing a certain condition of the affairs of Europe in perpetuity, has in a similar manner broken down. If we ask ourselves why this case has aroused more anger in this country than any of the others had done, the reply, if given with a full remembrance of the previous cases, can scarcely be, that it is more shocking to the conscience than any of them; for the annihilation of the Republic of Cracow was not merely the infringement of a treaty, it was also, had there existed no treaty to forbid it, in itself

a gross violation of public rights and morality. But it did not touch so nearly what we had been taught to fancy our own interests, and was not so liable to be imagined a defiance to us in particular. Not to a greater tenderness of the public conscience, but to the different aspect affronts and injuries wear to the unreflecting when addressed to ourselves and when addressed to others, must, I fear, be attributed our special perception of the moral value of treaties on this occasion. We may fairly be complimented with being so far in advance of some of the other great States of Europe, that it is a disputable point whether we have of late years infringed any of our treaty obligations: although we must remember that the announcement, by one of our leading statesmen, that almost the last treaty we entered into was only to be considered binding by ourselves if adhered to by the others who entered into the same obligation, met with very general approval. Yet the public, if actuated purely by moral feeling, ought to have been more startled by the suggestion of a possible breach of morality on our own part, than by the certainty of an actual breach of it on the part of somebody else. The fact is, we have not yet advanced so far as to regard these questions purely from the moral point of view. Our indignation is hot or cold according to circumstances quite foreign to the morality of the case; and is likely to continue so until the morality of such cases has been placed on a firmer and more clearly defined basis than it has yet received.



I am ready to join with any one in averring that this is an evil state of things, most injurious to public morality. No honest man can see with indifference a condition in which treaties do not bind ; in which it rests with the party who deems himself aggrieved by them, to say whether they shall be observed or not ; in which nations cannot trust each other's pledged word. It does not follow, however, that this evil is likely to be remedied by ignoring the fact, that there are treaties which never will, and even which never ought to be permanently observed by those who have been obliged to submit to them ; far less, therefore, to be permanently enforced. It is not necessary to go far back for one of the most signal examples which the entire history of mankind affords. Did any impartial person blame Prussia or Austria, because, in 1813, they violated the treaties which bound them to the first Napoleon, and not only did not fight in his ranks, as their engagements required, but brought their whole military force into the field against him, and pursued him to his destruction ? Ought they, instead of cancelling the treaties, to have opened a negotiation with Napoleon, and entreated him to grant them a voluntary release from their obligations ; and if he did not comply with their request to be allowed to desert him, ought they to have faithfully fought in his defence ? Yet it was as true of those treaties, as it is of the treaty of 1856, that disadvantageous and dishonourable as they might be, they had been submitted to as the purchase-money of peace,

when the prolongation of war would have been most disastrous ; for, had the terms been refused, Napoleon could with ease have conquered the whole of Prussia, and at least the German dominions of Austria ; which is considerably more, I presume, than England and France could have done to Russia, after the fall of Sebastopol. I already seem to hear some uncandid reader crying out, “ Do you pretend that Russia has as complete a justification, and even positive obligation, to break her treaties, as Prussia and Austria then had ? ” Certainly not. The case of Austria and Prussia was about as extreme a case as, in the nature of national affairs, could possibly occur : Russia herself could not pretend that her own approaches within a great distance of theirs. But the principle may be the same ; and principles are best tested by extreme cases. If a principle will not stand good in every case which it covers, it is a proof that some other principle requires to be considered along with it.

What means, then, are there of reconciling, in the greatest practicable degree, the inviolability of treaties and the sanctity of national faith, with the undoubted fact that treaties are not always fit to be kept, while yet those who have imposed them upon others weaker than themselves are not likely, if they retain confidence in their own strength, to grant a release from them ? To effect this reconciliation, so far as it is capable of being effected, nations should be willing to abide by two rules. They should abstain from imposing conditions which, on any just and reasonable

view of human affairs, cannot be expected to be kept. And they should conclude their treaties, as commercial treaties are usually concluded, only for terms of years.

To the first of these rules it is essential that the obligations should be defined, which nations are not warranted in imposing on one another. I do not pretend to enter exhaustively into so large a subject. But one great principle one can clearly see, and it is the only one which need concern us at present. The community of nations is essentially a republic of equals. Its purposes require that it should know no distinction of grades, no rights or privileges enjoyed by some and refused to others. The basis of international law—without which the weak, for whose protection chiefly international law exists, would never be secure—is, that the smallest and least powerful nation, in its capacity of a nation, is the equal of the strongest. Whatever rights belong to one belong to all, and can only be temporarily forfeited, even by misconduct, unless the erring nation is to be treated as a savage, and thrust out of the communion of civilised nations altogether. Now, all treaties which bind a nation, within itself and in its own affairs, by restrictions not common to all the rest, violate this principle. Of this nature is a stipulation that a country shall maintain one form of government, or abjure another; that she shall abstain from fortifying places situated within her own territory; that she shall limit to a prescribed amount her army or her fleet, or

the portion of each stationed in a particular part of her dominions, no equivalent limitation of armaments being consented to by the other parties to the treaty, or by nations in general. I do not say that some of these restrictions cannot ever be admissible as a temporary penalty for crimes committed against other states ; though in general some penalty would be preferable which could be completed by a single act. The period, however, for which such exceptional disabilities can justly be imposed, ought not, I conceive, to exceed the length of a generation ; or, more properly, the period at the end of which a majority of the adult population will have grown up from childhood subsequently to the offence, so that the people suffering the penalty are no longer, as a body, the same with those who shared in the fault.

But the end in view would be in a still greater degree attained, were nations to decline concluding any treaties except for limited periods. Nations cannot rightfully bind themselves or others beyond the period to which human foresight can be presumed to extend ; thus aggravating the danger which, to some extent, always exists, that the fulfilment of the obligation may, by change of circumstances, become either wrong or unwise. I am not aware of any good reason why engagements reciprocally entered into by nations for their joint advantage, should not be subject to periodical renewal. There are few, if any, contracts between nations, the terms of which might not be so framed as to protect either party from sustaining

undue loss or injury in case of the non-renewal of the contract. And with respect to the other kind of treaties, those which nations inflict upon one another, there is a very much greater chance of their being faithfully observed, if a legitimate and peaceful emancipation from them is looked forward to at the end of a moderate length of time. The treaty of 1856, vainly affecting to be perpetual, has been repudiated in fourteen years. Had it been concluded for twenty, or even for twenty-five years, it would probably have lasted out the term. It is, perhaps, necessary to say, that the expiration of a treaty does not imply that a money indemnity exacted by it should be repaid, or a ceded territory restored. Possession, once transferred, is an accomplished fact; and to disturb it, after an interval of peace, would imply a fresh aggression, which requires no stipulation of treaties to constitute it a *casus belli*. The lapse of the treaty would merely reinstate the nation that had been punished, in those common rights of all nations, the enjoyment of which is the normal condition of an independent State; rights which no nation ought to be, and no high-spirited nation will ever consent to be, permanently dispossessed of.

If these principles are sound, it remains to be considered how they are to be applied to past treaties, which, though containing stipulations that, to be legitimate, must be temporary, have been concluded without such limitation, and are afterwards violated, or, as by Russia at present, repudiated, on the as-

sumption of a right superior to the faith of engagements.

It is the misfortune of such stipulations, even if as temporary arrangements they might have been justifiable, that if concluded for permanency, they are seldom to be got rid of without some lawless act on the part of the nation bound by them. If a lawless act, then, has been committed in the present instance, it does not entitle those who imposed the conditions to consider the lawlessness only, and to dismiss the more important consideration, whether, even if it was wrong to throw off the obligation, it would not be still more wrong to persist in enforcing it. If, though not fit to be perpetual, it has been imposed in perpetuity, the question when it becomes right to throw it off is but a question of time. No time having been fixed, Russia fixed her own time, and naturally chose the most convenient. She had no reason to believe that the release she sought would be voluntarily granted, on any conditions which she would accept; and she chose an opportunity which, if not seized, might have been long before it occurred again, when the other contracting parties were in a more than usually disadvantageous position for going to war.

Had this been all, there would have been little in the conduct of Russia but what most other powers in her position would have done, and what there are, at all events, but too many precedents for doing. Her special offence is, that in asserting what she might, without being entirely unreasonable or unscrupulous,

believe to be her right, she showed no desire whatever that the wound inflicted upon the confidence, so necessary to mankind, in the faith of treaties, should be the smallest possible. She showed herself perfectly indifferent to any such consequence. She made her claim in the manner most calculated to startle mankind, and to destroy their faith in the observance of all treaties which any one of the contracting parties thinks it has an interest in shaking off. Not but that it is in itself a less immoral act, if a promise is to be broken, to give notice beforehand of the intention, than to keep it hidden, and break the engagement without notice, while the other party is relying on its being kept. This is too obvious not to be seen in private life, and it is as true of public treaties as of private promises. Had Russia, however, thought the trust of nations in each other's engagements a thing of the highest importance, she would, even if determined to assert finally at all costs what she claims as her right, have first exhausted all endeavours, and consented to some sacrifices, to attain the freedom she claimed by the general consent of Europe. If Russia had acted in this honourable manner, she would have set, perhaps for the first time in history, an example which neither we ourselves who blame her, nor any other state, would find it easy to show in their own annals. She has chosen a less honourable course. But this misconduct of Russia (misconduct not so much before the bar of history and the past practice of nations, as before that of true morality, and of what we may hope will become the future customs) does not

entitle us to bring upon millions of innocent persons the unspeakable evils of war, in order to enforce an obligation which it was wrong to impose, and which we ought therefore plainly to declare that we do not desire to reimpose. The notice which the high-handed proceeding of the Russian Government demanded at our hands, was to protest (as Lord Granville immediately did) against the claim of a contracting party to set aside a treaty by a mere announcement of its will ; and, for the rest, to follow the precedent set by the French Government, when three of the powers who were parties to the treaties of Vienna, destroyed the Republic of Cracow and confiscated its territory. M. Guizot, then Foreign Minister of France, made a public declaration, that France took notice of this violation of treaties ; that she did not intend to oppose herself, by arms or otherwise, to the proceeding ; but that she reserved to herself the full exercise of whatever rights the infringement of a treaty, to which she was a contracting party, restored to her. If we are unable to arrange any joint peaceable action with the other powers concerned, an intimation somewhat like this would be the only dignified notice we could take of the mode of a demand, the substance of which the intrinsic merits of the case forbid us to resent. We may, however, hope that if our Government stands firm against the unreasonable clamour of the war party, some arrangement may be come to by which the obnoxious stipulations may be abrogated with the consent of all concerned.



## MAINE ON VILLAGE COMMUNITIES.\*

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THIS book is an important contribution to a branch of knowledge in which the author is as yet unrivalled—the philosophy of the history of institutions. It pursues into ulterior developments (at least in one great department, that of property) the line of research and speculation so brilliantly commenced in “Ancient Law: its Connection with the Early History of Society, and its Relation to Modern Ideas.” It is superfluous at this time of day to say anything either in the way of information or of recommendation, concerning a treatise which has already become classical; but we may remark that its title indicates the double aspect of the important vein of thought which it has opened—the historical aspect, and the practical: the light which it throws on the ancient condition of mankind, and the intimate connection which it establishes between “the early history of society” and “modern ideas,” through the connection of both of them with “ancient law,” the great transmitter (next to religion) of influences from a barbarous age to a civilized one. Political thinkers, who at one time

\* *Fortnightly Review*, May 1871.—‘Village Communities in the East and West.’ Six Lectures delivered at Oxford. By Henry Sumner Maine, Corpus Professor of Jurisprudence in the University, formerly Law Member of the Supreme Government of India, author of ‘Ancient Law.’ London, 1871.

may have been over-confident in their power of deducing systems of social truth from abstract human nature, have now for some time shown a tendency to the far worse extreme, of postponing the universal exigencies of man as man, to the beliefs and tendencies of particular portions of mankind as manifested in their history. But if so much weight is attached to these historical characteristics, it is most essential to inquire how they came to be what they are ; which of them are grounded in permanent necessities of humanity, and which are but relics of facts and ideas of the past, not applicable to the present. In this point of view, the historical truths brought into so strong a light by Mr. Maine have more than an historical value. Though assuredly not written with a view to any such purpose, his "Ancient Law" is a most powerful solvent of a large class of conservative prejudices, by pointing out the historical origin not only of institutions, but also of ideas, which many believe to be essential elements of the conception of social order.

The lesson is not less instructive, when the result of the researches is to prove, not that institutions and ideas belonging to past times have been unduly prolonged into an age to which they are unsuitable, but that old institutions and ideas have been set aside in favour of others of comparatively modern origin. For this result, as much as the other, strikes at the tendency to accept the existing order of things as final—as an indefeasible fact, grounded on eternal

social necessities. The question is opened whether the older or the later ideas are best suited to rule the future ; and if the change from the one to the other was brought about by circumstances which the world has since outgrown—still more if it appears to have been in great part the result of usurpation—it may well be that the principle, at least, of the older institutions is fitter to be chosen than that of the more modern, as the basis of a better and more advanced constitution of society. A question of this nature in regard to property in land is raised by Mr. Maine's new work ; which has clearly shown that the absolute ownership, which constitutes the idea of landed property as commonly conceived in England, is both modern as to time and partial as to place.

Having been called, subsequently to the publication of "Ancient Law," to take part in legislating for a country far less widely removed than civilised Europe from that early state of society which it is usual to call "primitive," Mr. Maine found that the state of things in regard to landed property which exists in India wherever it has not been disturbed by British legislation, is strikingly in accordance with that which recent historical investigations prove to have once existed in what are now the most advanced communities. The obstinate persistence of custom in India makes that country "the great repository of veritable phenomena of ancient usage and ancient juridical thought" (p. 22), well worth studying, therefore, by all students of human nature and history, and

by all English lawyers who consider "the study of historical and philosophical jurisprudence" not alien to their pursuit. The value of Mr. Maine's book for this purpose is the greater, since much of his materials has not yet found its way into books, but is derived from the "large and miscellaneous official literature" in the records of the Indian Government, and from "the oral conversation of experienced observers who have passed their maturity in administrative office."

"The inferences suggested" says Mr. Maine (p. 61) "by the written and oral testimony would perhaps have had interest for few except those who had passed, or intended to pass, a life in Indian office; but their unexpected and (if I may speak of the impression on myself) their most startling coincidence with the writers who have recently applied themselves to the study of early Teutonic agricultural customs, gives them a wholly new value and importance. It would seem that light is pouring from many quarters at once on some of the darkest passages in the history of law and of society. To those who knew how strong a presumption already existed that individual property came into existence after a slow process of change, by which it disengaged itself from collective holdings by families or larger assemblages, the evidence of a primitive village system in the Teutonic and Scandinavian countries had very great interest; this interest largely increased when England, long supposed to have had since the Norman Conquest an exceptional system of property in land, was shown to exhibit almost as many traces of joint ownership and common cultivation as the countries of the north of the Continent; but our interest culminates, I think, when we find that these primitive Euro-

pean tenures and this primitive European tillage constitute the actual working system of the Indian village communities, and that they determine the whole course of Anglo-Indian administration."

"The ancient Teutonic cultivating community" (p. 78), "as it existed in Germany itself, appears to have been thus organised. It consisted of a number of families, standing in a proprietary relation to a district divided into three parts. These three portions were the Mark of the Township or Village, the Common Mark or waste, and the Arable Mark or cultivated area. The community inhabited the village, held the Common Mark in mixed ownership, and cultivated the Arable Mark in lots appropriated to the several families."

Of these the Village Mark was the only one of which the several portions were individual property in the modern English sense. The ownership of the Common Mark was (p. 79) "a strict ownership in common, both in theory and in practice. When cattle grazed on the common pasture, or when the householder felled wood in the common forest, an elected or hereditary officer watched to see that the common domain was equitably enjoyed." But it will be more of a surprise to many readers to learn that the arable land also was held and cultivated on the same principle of common ownership. The Arable Mark "seems always in theory to have been originally cut out of the Common Mark, which, indeed, can only be described as the portion of the village domain not appropriated to cultivation;" and the Arable Mark "was occasionally shifted from one part of the general village domain to another" (p. 81). "The cultivated

land of the Teutonic village community" (p. 79) "appears almost invariably to have been divided into three great fields. A rude rotation of crops was the object of this threefold division, and it was intended that each field should lie fallow once in three years. . . . Each householder has his own family lot in each of the three fields, and this he tills by his own labour, and that of his sons and his slaves. But he cannot cultivate as he pleases. He must sow the same crop as the rest of the community, and allow his lot in the uncultivated field to lie fallow with the others. Nothing he does must interfere with the right of other households to have pasture for sheep and oxen in the fallow and among the stubbles of the fields under tillage" (p. 80). The evidence seems to show (p. 81) "that the original distribution of the arable area was always into exactly equal portions, corresponding to the number of free families in the township. Nor can it be seriously doubted, upon the evidence, that the proprietary equality of the families composing the group was at first still further secured by a periodical redistribution of the several assignments." This periodical redistribution has continued to our own day in the Russian villages, and "there appears to be no country inhabited by an Aryan race" in which traces of it do not remain.

It is to "the school of German writers, among whom Von Maurer is the most eminent" (p. 21), that we are indebted for the establishment of this important portion of the ancient history of society in

relation to the Teutonic countries. Its extension to England is mainly the work of Professor Nasse, of Bonn, whose valuable treatise is about to be made, by translation, conveniently accessible to the ordinary English reader. But the simple statement of the ancient practice of Teutonic cultivation brings at once to the mind of any one acquainted with English rural usages, the traces of a similar village constitution in England. The remains of the former collective ownership of the lands of a village still linger among us under the denominations of Common Fields and Lammas lands.

Our law books trace all landed tenures in England to a feudal grant. From such grant, either actual or presumed, they all technically proceed; and the law writers seldom trouble themselves with anything anterior. But there were landed possessions and landed rights in England before there was feudality. The feudal lords were the successors of former holders; and in order to know what the lord could either claim for himself or grant to others, it is necessary to know whose rights he succeeded to. In this there is now no obscurity. The feudal lord took the place of the collective village community; the Mark system passed by transformation into the Manorial. The rights which had belonged to the village as a collective body, became the rights of the lord; the customary rights which the several households of the village could claim from the collective body, were not lost, but remained valid against the lord. The Common

Mark became the lord's waste ; but the village families retained their rights of pasture and of turf or wood cutting over it. Of the Arable Mark, a great though a gradually decreasing portion continued to be cultivated under much the same rules as before.

"The lands" (p. 85) "which represent the cultivated portion of the domain of the ancient Teutonic village communities are found more or less in all parts of England, but more abundantly in some counties than in others. They are known by various names. When the soil is arable, they are most usually called 'common,' 'commonable,' or 'open' fields, or sometimes simply 'intermixed' lands. When the lands are in grass, they are sometimes known as 'lot meadows,' sometimes as 'Lammas lands,' though the last expression is occasionally used of arable soil. The 'common fields' are almost invariably divided into three long strips, separated by green baulks of turf. The several properties consist in subdivisions of these strips, sometimes exceedingly minute ; and there is a great deal of evidence that one several share in each of the strips belonged originally to the same ownership, and that all the several shares in any one strip were originally equal or nearly equal, though in progress of time a good many have been accumulated in the same hands. The agricultural customs which prevail in these common fields are singularly alike. Each strip bears two crops of a different kind in turn, and then lies fallow. The better opinion seems to be that the custom as to the succession of crops would not be sustained at law ; but the right to feed sheep or cattle on the whole of one strip during the fallow year, or among the stubbles of the other two strips after the crops have been got in, or on the green baulks which divide the three fields, is generally treated as capable of being legally maintained. This right has in some cases



passed to the lord of the manor, but sometimes it is vested in the body of persons who are owners of the several shares in the common fields. The grass lands bear even more distinct traces of primitive usage. The several shares in the arable fields sometimes, but very rarely, shift from one owner to another in each successive year; but this is frequently the rule with the meadows, which, when they are themselves in a state of severalty, are often distributed once a year by casting lots among the persons entitled to appropriate and inclose them, or else change from one possessor to another in the order of the names of persons or tenements on a roll. As a rule, the inclosures are removed after the hay harvest; and there are manors in which they are taken down by the villagers on Lammas day (that is, Old Lammas day) in a sort of legalised tumultuary assembly. The group of persons entitled to use the meadows after they have been thrown open is often larger than the number of persons entitled to inclose them. All the householders in a parish, and not merely the landowners, are found enjoying this right. The same peculiarity occasionally, but much more rarely, characterises the rights over common arable fields; and it is a point of some interest, since an epoch in the history of primitive groups occurs when they cease to become capable of absorbing strangers. The English cultivating communities may be supposed to have admitted new-comers to a limited enjoyment of the meadows, up to a later date than the period at which the arable land had become the exclusive property of the older families of the group."

The minutely exact agreement of this description with what has been ascertained by quite independent evidence to have been the ancient custom of village communities in the countries from which our ancestors came, leaves no doubt that originally ownership

of land was conceived in the same manner in both cases. And the rights which still survive in our own country over the lands which were once the collective property of the village—the rights of commoners over the common land, and of those who are entitled to the joint use of Lammas lands or common fields—are older than any manorial rights, older than any grants from a feudal superior, and can claim more of the sacredness which the friends of existing land institutions consider to attach to prescription.

How dear these rights were to the people, is strikingly shown by their persistency through many centuries, notwithstanding the powerful causes which have been at work during the whole time for their destruction. Beneficent and noxious influences conspired to favour the conversion of collective into individual property. On the one hand, the rigid customs which prevailed in the cultivation of the common fields provoked opposition by their tendency to perpetuate a bad system of agriculture ; and as to the waste, then occupying so large a portion of the soil of the island, it was thought to be for the public good to promote almost any arrangement by which it could be brought into cultivation. This was the honourable side of the movement. There is a deeply disgraceful side which remains to be mentioned. The great landed proprietors, and owners of manorial rights, were the rulers of the country. From 1688 downwards they ruled it through the Parliament ; but before the Parliament became absolute ruler of the State, each of them ruled his own neighbourhood with a power

almost above legal control. Among the consequences were perpetual encroachments by the great landholders, not only on the customary rights of the people in the land, but even on their separate properties: encroachments sometimes by abuse of the processes and forms of law, sometimes altogether lawless. In the words of the great Sir Thomas More, tenants were "got rid of by force or fraud, or tired out by repeated injuries into parting with their property." Bishop Gilpin "complained that the great landowners scrupled not to drive people from their property, alleging that the land was theirs, and turning them out of their shelter like vermin."\* When even the separate properties of the peasantry were thus treated, no wonder that their rights of common were taken from them, in many cases without any compensation. This dreary history is not to be found in Mr. Maine's work, but it has been related in other books, and recently by Mr. Cliffe Leslie, in his instructive volume on the "Land Systems of England, Ireland, and the Continent."

Yet, notwithstanding the constant tendency of these customary rights to extinction, sometimes by usurpation and sometimes by voluntary agreement, the great extent of them as late as the early part of the present century is attested by Marshall, a writer of that period, of high authority on the statistics of agriculture, and whose facts have been largely used in the work of Professor Nasse. According to Marshall

\* 'Land Systems and Industrial Economy of Ireland, England, and Continental Countries,' by T. Cliffe Leslie, p. 216.

(Maine, p. 88), "In almost all parts of the country, in the Midland and Eastern counties particularly, but also in the west—in Wiltshire, for example—in the south, as in Surrey, in the north, as in Yorkshire," there were still, in his time, "extensive open and common fields. Out of 316 parishes in Northamptonshire, 89" were in this condition; "more than a hundred in Warwickshire; in Berkshire, half the county; more than half of Wiltshire; in Huntingdonshire, out of a total area of 240,000 acres, 130,000 were commonable meadows, commons, and common fields." Mr. Maine adds (p. 89): "The extent of some of the fields may be inferred from the fact, stated to me on good authority, that the pasturage on the dividing baulks of turf, which was not more than three yards wide, was estimated in one case at 80 acres." Since that time the commonable and common lands have undergone constant and rapid diminution, first by private Acts of Parliament, and at a still more accelerated pace since 1836, by inclosure, agglomeration, and exchange, under the Common Fields Inclosure Act of that year, and under the general powers of the Inclosure Commissioners; "but both common fields and common meadows" (p. 88) "are still plentiful on all sides of us. Speaking for myself personally," says Mr. Maine, "I have been greatly surprised at the number of instances of abnormal proprietary rights, necessarily implying the former existence of collective ownership and joint cultivation, which comparatively brief inquiry has brought to my notice."

It was not Mr. Maine's business, in a purely historical and jurisprudential work, to deduce practical inferences from these facts; nor have we any knowledge whether he would coincide in the inferences which we ourselves draw from them. But there are certain truths, of a very important character, which the facts we have abridged from Mr. Maine's work seem to us to support and illustrate very impressively.

They show, first, that even in our own history property in land has not been, and is not, one simple idea, one conception of rights always the same; but that different systems of property in land have existed, and even coexisted, both in this and in other countries; and that, by an operation not sudden, but extending over our entire history since the Norman Conquest, we have been gradually transforming one of these systems into another:

That the system under which nearly the whole soil of Great Britain has come to be appropriated by about thirty thousand families—the far greater part of it by a few thousands of these—is neither the only nor the oldest form of landed property, and that there is no natural necessity for its being preferred to all other forms:

That if the nation were to decide, after deliberation, that this transmutation of collective landed ownership into individual shall proceed no further, and that the various rights of the public or of particular neighbourhoods which in many cases still limit the absolute and exclusive control of the land by the proprietor—rights generally of older date than his—shall no longer be

allowed to be extinguished, to the detriment of posterity; the nation, in so deciding, would not overpass the limits of its moral right. Nay, further, that if the nation thought proper to reverse the process, and move in the direction of reconverting individual property into some new and better form of collective, as it has so long been converting collective property into individual, it would be making a legitimate use of an unquestionable moral right; subject to the moral obligation which arises whenever rights sanctioned by established law are annulled by an act of authority, of satisfying all just claims to compensation :

That, having thus a full right to retrace the steps which it has taken under the predominant influence of the class of large landed proprietors, the nation ought to take into serious consideration which among the many footings on which the right of landed ownership might be placed, is the one most beneficial to the whole community, with a view to adopting, with the precautions justly demanded by vested interests, that most beneficial system. And, in the meantime, it should absolutely suspend all further proceedings in the old direction—all further conversion into the absolute property of individuals, of land which is now only their limited or qualified property, or which is not the private property of individuals at all. In particular, the inclosure of commons should be absolutely discontinued, until the principles on which it can rightly take place have been deliberately recon-

sidered, the classes who have been the chief sufferers by what has hitherto been done being included in the deliberation.

This is the moral which we deduce from that part of Mr. Maine's researches which relates to the ancient landed institutions of England. The part which relates to India gives a practical warning of an even more urgent nature ; since it shows that we have done, and are still doing, irreparable mischief, by blindly introducing the English idea of absolute property in land into a country where it did not exist and never had existed, and into which its introduction could only be effected by trampling upon the rights of all except some one of the classes which, by the customs of the country, shared among them the right of using and disposing of the soil. This injustice has been done by the English rulers of India, for the most part innocently, from sheer inability to understand institutions and customs almost identical with those which prevailed in their own country a few centuries ago.

In the purely native governments of India, property in land has never emerged from that primitive state in which absolute and unconditional ownership by individuals had no existence. Various beneficial interests existed in the soil. There was, first, the interest of the sovereign, who had at least one attribute of an universal proprietor ; he was an universal receiver of rent. The share of the produce to which he was entitled, and which formed the bulk of the

public revenue, was nominally limited by custom, but practically, in most cases, only by the impossibility of extracting more. Whether we call it rent or land-tax, it was usually of such an amount as to leave no surplus to constitute rent in the hands of any private individual, except those to whom, by a not uncommon act of favour, the sovereign made a grant of the revenues of a village or district. At the opposite extremity of the social scale were the actual cultivators. In some cases the whole of these, in others only certain classes of them, had a right to retain their holdings as long as they paid the Government demand. Between these co-proprietors (as they may be called), the sovereign and the cultivator, there were intermediate classes who had rights, of greater or less extent, and who were often extremely different in different places. But there was nobody who could be called a proprietor in the absolute sense of English law. The English, however, when they came into possession of the Bengal provinces, assumed, as indisputable, that there must be an absolute proprietor of all land, the only question being how to find him; and the indication of ownership by which they were at first guided was the collection of rent. In the provinces over which the British dominion was first extended, this attribute was exercised by officers of Government, each of whom, at the head of an armed force, collected the rents of a particular district; and who were mostly hereditary, for all things tend to become hereditary in the East. In these officers the



English rulers thought they had found the proprietors of the soil. It was not considered, that these collectors of rent were bound to pay over the whole of their collections to the State, except a commission of ten per cent. deducted as their own remuneration. In spite of this, they were declared absolute owners of the land, and received a pledge that the Government demand of revenue from them should never be increased. The cultivating classes became their tenants. A reservation was made of the right of the tenants to be protected against eviction while they paid the customary rents; but the distance and expensiveness of the only courts of justice which for a long time were provided, put it out of the power of the cultivators to enforce this right. In the words used many years later by a British-Indian judge, the rights of the Bengal ryots (or peasants) passed away *sub silentio*. They sank generally into the miserable condition of Irish cottiers—rack-rented tenants-at-will. What little respect was anywhere paid to their rights or interests resulted solely from the still partially surviving influence of custom on the minds of persons whom the law had exempted from any necessity of observing it.

By degrees India began to be better known, and its English administrators came to be aware of the error which they had at first committed. They found that, in mistaking the collectors of revenue for the landed proprietors, they had overlooked the village communities; which, indeed, in the provinces first acquired, had

almost become extinct, but in many of the more recently acquired British possessions still retained a substantial existence, and whose rights in the land could not without great injustice be ignored. The conclusion which was come to by the administrators of these later acquisitions was that the village communities were the real proprietors. And it is certain that, in adopting this opinion, they were nearer to the truth than they would have been in supposing absolute ownership to reside anywhere else. Further experience, however, made them aware that village communities were of very various composition, and that they, no more than any other persons or bodies, were absolute proprietors. Their rights, like those of all others in a country in which custom for the most part decides what is the law, were limited and hemmed in by the equally positive customary rights of other people. When this truth dawned on the most eminent Indian administrators, it taught them at first the proper lesson. They made it their business to ascertain, by oral and documentary evidence on the spot, not who was proprietor of the soil—a question idle and unmeaning in the country with which they had to deal—but who were all those who had any rights over it, and what those rights were. When they had, with more or less completeness, ascertained this, they endeavoured to give equal protection to all these rights. These rational opinions and rational practices prevailed in the counsels of the Indian Government for about two generations. But of late official

opinion has taken an unfortunate turn in the opposite direction.

In England, for some time past, the idea of absolute property in land has been sensibly weakened, and the tendency of the time is progressively inclining towards the opinion that proprietary rights in the mere raw material of the globe should not be absolute, but limited. While, however, English opinion has thus been advancing, official opinion in India, which had been much ahead of it, has retrograded. The change may be roughly dated from the time of the Mutiny. The feeling engendered by that calamitous event, of the unstable foundation on which our power in India rested, produced a strong impression of the necessity of conciliating the natives; and as usual in such cases, "the natives" were taken to mean those small classes who were most conspicuous, who had the greatest opportunities of making themselves heard, and the greatest power of being troublesome. Before the Mutiny it had been the policy of our Government, not certainly to ignore or disregard the rights or vested interests of the so-called higher classes, but to construe them strictly, when they conflicted with the interests of the mass of the cultivating population, towards whom, it was rightly thought, were the first and most binding duties of our Government. Since the Mutiny a reaction has set in which cannot be better illustrated than by the instance of Oude. We had taken this province from its Mahomedan Government and annexed it to British India, in consequence

of the anarchy occasioned by the lawless usurpations and disorderly excesses of the Talookdars—a class of functionaries of very various origin, who collected the Government dues from large districts, and entertained for that purpose bodies of undisciplined mercenaries, which made them practically uncontrollable by the feeble native government. By means of these troops the country was kept in a state of bloodshed and warfare, the most high-handed violence was practised towards the people of the country, and the landed possessions of the Talookdars were swelled by the dispossession, and sometimes the extermination, of entire families of landholders. These Talookdars were naturally exasperated by the annexation, which deprived them of their misused position; they joined, and they were the only powerful class or body in all India that did join, with the mutineers. We subdued them, and what did we then proceed to do? We admitted these rebellious oppressors to engage with our Government for the revenue; we declared them proprietors of the soil, and delivered over the cultivating classes into their hands: and it is with great difficulty that, some years after, an Act was got passed, making some small reparation to a portion of the dispropertied classes, by giving to tenants who could prove a certain number of years' possession a guarantee against eviction. In other parts of Upper India, those to whom the absolute ownership has been conceded are the village communities; but there has been a growing disposition to restrict, instead of enlarging, the number of

the inhabitants who are considered entitled to communal privileges. Even at an earlier period, single families from which by custom the headman of the village had been taken, had not unfrequently been recognised by our Government as sole owners. The remainder of the cultivators, including many who at the first settlement had been admitted, as proprietors, to enter into engagements for the Government revenue, have been reduced to the condition of tenants-at-will. There is great danger that if this tendency of opinion continues, the whole of the northern provinces\* will be possessed, for the first time in India, by a comparatively small body of absolute owners, many of them peasants, with a vast population under them of tenants-at-will. And this—one of the greatest social revolutions ever effected in any country, with the evil peculiarity of being a revolution not in favour of a majority of the people, but against them—its supporters defend in the name of civi-

\* The statement is limited to the northern provinces, because in the south of India, with the exception of certain districts, a different system of land revenue has been adopted, and a different interpretation given to landed rights. "In the southern provinces of the peninsula the English Government" early "began to recognise nothing between itself and the immediate cultivators of the soil, and from them it took directly its share of the produce. The effect was to create a peasant proprietary. This system, of which the chief seat was the province of Madras," but of which the most improved form is to be found in the Presidency of Bombay, "has in my opinion," says Mr. Maine, "been somewhat unjustly decried. Now that it has been modified in some details, and that some mistakes first committed have been corrected, there is no more prosperous population in India than that which has been placed under it; but undoubtedly it is not the ancient system of the country." (Pp. 105, 106.)

lisation and political economy; though if there is a truth emphatically taught by political economy, and from which no one who has the smallest tincture of the knowledge of it withholds his assent, it is that the status of an agricultural tenant-at-will is intrinsically vicious, and in a really civilised community ought not to exist.

The exposition given by Mr. Maine of the real nature and history of agricultural customs in India, read, as it is sure to be, by all intelligent Indian administrators, and, we trust, by those who are in training for Indian administration, is well adapted to check this baneful reaction. We quote, both as a characteristic specimen of this part of the work, and for the important lessons it affords, his exposition of the manner in which, even in the absence of positive intention on our part, the introduction of our Government conferred upon those whom we recognised as representatives of the locality, powers and rights which enabled them to override those who were their co-partners in the land.

“ Let us suppose a province annexed for the first time to the British Indian Empire. The first civil act of the new Government is always to effect a settlement of the land revenue; that is, to determine the amount of that relatively large share of the produce of the soil, or of its value, which is demanded by the sovereign in all Oriental states, and out of which all the main expenses of government are defrayed. Among the many questions upon which a decision must be had, the one of most practical importance is, ‘ Who shall be settled with?’ With whom shall the settlement be made?

What persons, what bodies, what groups, shall be held responsible to the British Government for its land revenue? What practically has to be determined is the unit of society for agrarian purposes; and you find that, in determining it, you determine everything, and give its character finally to the entire political and social constitution of the province. You are at once compelled to confer on the selected class powers coextensive with its duties to the sovereign. Not that the assumption is ever made that new proprietary powers are conferred on it; but what are supposed to be its rights in relation to all other classes are defined; and in the vague and floating order of primitive societies, the mere definition of a right immensely increases its strength. As a matter of fact, it is found that all agrarian rights, whether superior or subordinate to those of the person held responsible to Government, have a steady tendency to decay. . . . Do you, on entering on the settlement of a new province, find that a peasant proprietary has been displaced by an oligarchy of vigorous usurpers, and do you think it expedient to take the Government dues from the once-oppressed yeomen? The result is the immediate decline, and consequently bitter discontent, of the class above them, who find themselves sinking to the footing of mere annuitants on the land. Such was the land-settlement of Oudh, which was shattered to pieces by the Sepoy Mutiny of 1857, and which greatly affected its course. Do you, reversing this policy, arrange that the superior holder shall be answerable to Government? You find that you have created a landed aristocracy which has no parallel in wealth or power except the proprietors of English soil. Of this nature is the more modern settlement of the province of Oudh, only recently consummated; and such will ultimately be the position of the Talookdars, or Barons, among whom its soil has been divided. Do you adopt a policy different from either of those which I have

indicated, and make your arrangements with the representative of the village community? You find that you have arrested a process of change which was steadily proceeding. You have given to this peculiar proprietary group a vitality which it was losing, and a stiffness to the relations of the various classes composing it which they never had before." (Pp. 149-151.)

"Whether the Indian village communities had wholly lost their capacity for the absorption of strangers when the British dominion began, is a point on which I have heard several contradictory opinions; but it is beyond doubt that the influence of the British Government, which in this respect is nothing more than the ordinary influence of settled authority, has tended steadily to turn the communities into close corporations. The definition of rights which it has effected through its various judicial agencies—the process of law by which it punishes violations of right—above all, the money value which it has given to all rights by the security which it has established from one end of India to another—have all helped to make the classes in possession of vested rights cling to them with daily increasing tenacity. To a certain small extent this indirect and unintended process of shutting the door to the acquisition of new communal rights has been counteracted by a rough rule introduced by the English, and lately engrafted on the written law, under which the cultivator of the soil who has been in possession of it for a period of years is, in some parts of India, protected against a few of the extreme powers which attach to ownership of the modern English type. But the rule is now in some discredit, and the sphere of its operation has of late been much curtailed. And my own opinion is that even if the utmost effect were given to it, it would not make up for some of the inequalities of distribution between classes actually included in the village group, which have made their way into it through the



influence of economical ideas originating in the West. On the whole, the conclusion which I have arrived at concerning the village communities is, that, during the primitive struggle for existence, they were expansive and elastic bodies, and these properties may be perpetuated in them for any time by bad government. But tolerably good government takes away their absorptive power by its indirect effects, and can only restore it by direct interposition." (Pp. 149-151.)

These passages, greatly as space has made it necessary to curtail them, will help to show to the intelligent reader (over and above the example they afford of the singularly artificial and variable nature of the idea of ownership) what great difficulties the English Government has to encounter in endeavouring to do justice to each and all in India; and how great injustice may be, and has been, caused by the fact that its mere appearance on the scene destroys the balance of existing social relations; that "when an official appointed by a powerful Government acts upon the loose constitution of a primitive society, he crushes down all other classes, and exalts that to which he himself belongs" (p. 151).

Our desire to profit, as much as our space permits, by the practical lessons derivable from Mr. Maine's book, has led to our doing but scanty justice to its remarkable merits, both as a literary work and as a series of investigations of the ancient history of human society. But we must at least not omit to call attention to the concluding lecture; in which, from the facts of Indian experience, a flood of light is thrown

upon the ideas of an early state of society respecting commercial transactions between man and man, and especially respecting prices and rents ; and upon the widespread and long-enduring influence of custom in the determination of payments, as well as upon the particular points at which competition, as a rival principle, first comes in. Our space does not admit of our giving a summary of this lecture, and we can only refer the reader to the original, confidently promising to any one who studies it a rich reward.

The same hindrance prevents us from doing more than merely referring to the very few points on which we find ourselves dissenting in any respect from Mr. Maine, and which are questions of definition and classification rather than of fact. Did space permit, we should have something to say in behalf of Bentham and Austin (of whose extraordinary merits as philosophic jurists Mr. Maine shows a full appreciation) on a point on which Mr. Maine differs from them (p. 68) ; and again, in defence of political economists generally, in regard to a charge brought against them in the concluding lecture (p. 196), which we do not think will stand examination. But these small differences of opinion, though worth noting, are not, at least on the present occasion, worth entering into ; and we will conclude by once more congratulating our readers and ourselves on the appearance of a second highly instructive work (to be followed, we hope, by many others) from an author so eminently qualified for the department of philosophical history which he has made his especial domain.

## GROTE'S ARISTOTLE.\*

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A BOOK which should perform for Aristotle what the author of the present volumes had accomplished for Plato ; which should contain an accurate and exhaustive account of all his multifarious works, with a critical appreciation of them, both from the philosophical point of view and from the historical ; would be as welcome to philosophers and scholars as the work by which Mr. Grote expounded Plato to English readers ; and would have been, perhaps, even more difficult to execute with that thoroughness which alone would have contented the eminent author. Seldom has any literary undertaking given more cause to lament the shortness of human life, and the impossibility of extending beyond the allotted limits lives valuable to mankind, than this work, in its present unfinished condition, exhibits. For Mr. Grote's death was not, in the ordinary meaning of the word, premature ; he lived to the ripe age of seventy-six years ; but this, his latest production, down to the very chapter in which his pen was interrupted by fatal illness, shows an undiminished vigour of intellect and perseverance of mental industry, which raise sad

\* *Fortnightly Review*, January 1873.

thoughts of how much good work he might still have done, if the merely animal and nutritive organs of his bodily frame had been capable of as long a persistency of life and health as the properly human organ, the reasoning and thinking brain. Remembering, however, that this is only one among the many inherent imperfections of our existence on earth, and that a work of such magnitude, commenced after the age of seventy, was exceedingly likely never to be completed, let us turn to the two goodly volumes which are the result of the labours of those last years, and rather rejoice that so much has been given, and this of so excellent a quality, than mourn over what might have been if the constitution of human life had been different.

For the work, though unfinished, is not a mere fragment: a part only of the task has been performed, but what is done is thoroughly done; a portion only of the ground has been covered, but what has been built on that portion is a complete structure in itself. The account of the logical writings of Aristotle, and of his position as a thinker on logic, is complete; and this includes, as is known, by far the greater part of what is permanently valuable in his contributions to the sum of human knowledge, as distinguished from the value, in an historical point of view, of his speculations, regarded as steps in the development of human thought. In the natural order of succession, the psychology and metaphysics follow after the logic; but on these time was only given to Mr. Grote to make a commencement. One chapter, abruptly broken

off is all that he had prepared on these subjects to form part of the present treatise. But as far as regards the mere exposition of Aristotle, apart from criticism and comment, the blank is in a measure supplied by a full abstract, and, in part, translation, of the six principal books of the 'Metaphysica' (as well as of two books of the 'De Cælo,' intimately connected with them), which Mr. Grote had made, as a help to himself, not for publication, but which the editors have, very properly, printed in an appendix. An account of Aristotle's psychology, contributed by him in 1868 to the third edition of Professor Bain's work, 'The Senses and the Intellect,' is also reprinted as the last chapter of the treatise. The appendix contains two other papers, also written for two of Mr. Bain's treatises, and there published, in which Mr. Grote gives his view of Aristotle's doctrines respecting two of the principal questions on the border ground between logic and metaphysics. One is the question which was the subject of his chief controversy with Plato, the nature of Universals; the other is that of First Principles. Both essays are as thorough and as highly finished as any part of the treatise itself. To these are now added compositions which, either wholly or in part, appear for the first time—one, a correction of the mistakes of Sir William Hamilton respecting the relation of Aristotle to what is called, by the Reid and Stewart school, the philosophy of Common Sense, of which philosophy Hamilton, on very insufficient grounds, claims him as an apostle; and two short but

valuable papers on Epicurus and on the Stoics, some account of whom was to have been included in the work on Aristotle, as the earlier Socratic schools, the Megarics, the Cynics, and Cyrenaics (what little is known of them) were comprehended in that on Plato. The matter relating to Aristotle in the appendix, together with the lucid exposition of some main points of his doctrine in the two chapters which stand as parts of the work itself, are a most valuable contribution to the knowledge and understanding of Aristotle as a psychologist and metaphysician, and will not only lighten the labour of such as may take up the task after Mr. Grote, but will help materially to guide them into the true path. But the greatest value of the work will always reside in the part of it which is completed, the analysis and appreciation of the treatises composing the 'Organon;' a name and classification, it must be said, not of Aristotle's making, but introduced by his commentators to distinguish the logical treatises, those on the rules and method of philosophizing, from the far greater number which aimed at setting forth some of the results of philosophy.

When Aristotle is called, not without justice, the founder of logic, this is not to be understood solely of the portion of logic with which his name is specially identified, the doctrine of the syllogism. Of this, however, he was not only the great teacher, but expressly claimed to be the creator. In one of the few passages of his voluminous writings which con-

tain a direct reference to himself, he declares that on this subject he had no helps, and no precursors. Unlike rhetoric, on which there existed a copious body of theory and precept, inherited from predecessors and accumulated by successive traditions, in dialectic (he says)—

“I had to begin from the beginning, and to make good the first step myself. The process of syllogizing had never yet been analysed or explained by any one; much less had anything been set forth about the different applications of it in detail. I worked it out for myself, without any assistance, by long and laborious application. . . . The Syllogism as a system and theory, with precepts founded on that theory for Demonstration and Dialectic, has originated first with me. Mine is the first step, and therefore a small one, though worked out with much thought and hard labour: it must be looked at as a first step, and judged with indulgence. You, my readers, or hearers of my lectures, if you think that I have done as much as can fairly be required for an initiatory start, compared with other more advanced departments of theory, will acknowledge what I have achieved, and pardon what I have left for others to accomplish.”\*

In such modest terms does Aristotle speak of what he had done for a theory which, in the judgment even of so distant an age as the present, he did not, as he himself says, merely commence, but completed, so far as completeness can be affirmed of a scientific doctrine. The theory, as it came from his hands, has proved its sufficiency by the practical rules which he grounded on it, and which have been found to cover every case

\* Grote, vol. ii. pp. 131-133.

and suffice for every purpose for which they were intended ; and (except the easy addition of the hypothetical syllogism) none of the attempts that have been made, even by men of great knowledge and ability (some of the most notable of them in our own age), to give greater extension and precision to the syllogistic theory, have been able to make good their claim to any other value than that of a school exercise. Opinion, indeed, has varied, during the two thousand and more years that separate us from Aristotle, respecting the utility of *any* such rules, and of the syllogistic theory itself. After having been long deemed the key to all science, it came to be accounted a mere incumbrance, and has only of late become a subject of rational estimation. All, however, that has been discovered or invented by modern thought has not invalidated the claim of the syllogism to be a correct analysis of the process of reasoning by general terms—the operation which establishes a conclusion by showing that it comes within the scope of a generalisation that has already been assented to on evidence deemed sufficient ; and the rules grounded on this analysis do all that rules can do to insure the correct performance of the operation : they point out the conditions requisite for correctness, and distinguish with scientific precision the modes of error. It has, no doubt, been shown (what was never clearly seen until lately) that the syllogism is not really a process of inference ; all that there is of inference being completed in the induction from experience which gave



us the generalisation we syllogize from. The syllogistic process merely maintains consistency between our general theorems from experience and our particular applications of it, and compels us to face the whole extent of the generalisation which is necessary to justify our inference in a given particular case. What is called Formal Logic is the logic of consistency : and consistency is not necessarily truth, but is one of the most essential conditions of it. A mastery of the syllogistic logic does not necessarily make a sound thinker, but goes far towards making a clear one ; and a clear understanding is already well advanced on the road towards soundness.

But the merits of Aristotle in regard to logic are not confined within this, the narrowest acceptance in which the term is used ; they extend to the widest. There are none of the operations of the intellect in the pursuit of truth to which his services were not considerable. He cannot indeed be credited with being the permanent legislator of any of the other departments of logic, as he was of the syllogism. Yet it will, we think, be found that he did as much for them as was compatible with the very early stage which scientific studies had then reached ; for it was only after considerable trial of all the paths which lay open to them, that mankind could discover which it is that leads to the desired end. As Aristotle was far from completing any logical theory save that of the syllogism, so he did not claim to have originated any other. He says expressly that the inventor of de-

definition and of induction was Socrates. What exactly it was which he intended by these impressions to ascribe to Socrates, we are reduced to gather mainly from other evidence. We know, both from the vivid dramatic representation by Plato of the mode of discussion practised by Socrates, and from the direct testimony of the more commonplace Xenophon, that it mainly consisted in attempting to ascertain "what" each of the facts or ideas which figure in the talk of the market-place and in the deliberation of the public assembly "is;" or, in other words, in a search after definitions. And though it is neither known, nor at all likely, that any rules for this investigation were laid down either by Socrates or by Plato, most of the Platonic dialogues are practical exemplifications of it. In Mr. Grote's opinion,\* the induction which Aristotle placed to the credit of Socrates, was the establishment of definitions by generalisation from an enumeration of particulars.† The Platonic practice of *dividing down* to the thing which is the subject of inquiry, was regarded by Bacon as the nearest approach to a true method of induction to be found among the ancients, because it did not proceed by simple enumeration, but by *rejectiones et exclusiones debitas*—by an equal scrutiny of the instances in which the thing

\* Grote, ii. 165.

† It deserves mention, that Aristotle distinctly praises Socrates for having never regarded universals as having an existence of their own, apart from particulars. The 'Ideas' of Plato were Plato's only, undervived from Socrates. See Grote, ii. 163, and the passage there quoted.

sought was absent, and of those in which it was present. But Plato practised this method only in inquiring into definitions: and, in its application to that investigation, Aristotle completely appropriated it; the doctrine that a definition must be *per genus et differentiam* being its theoretic generalisation, and the Predicamental Tree its paradigm.

But Aristotle had a much larger and juster conception of the functions of Induction than merely this. He did for induction the first great thing that had to be done for it—the only great thing that could be done for it in the then state of science; in doing which he had not, so far as we know, been anticipated by Socrates, while in Plato he had his chief adversary: he pointed out that induction is the ultimate ground and evidence of all our knowledge. In syllogizing (as he explains) we argue downward from general truths; but the general truths which are the *ἀρχαὶ* or ultimate premises of our syllogisms must be collected from particular experience. His practice, it must be admitted, seems to modern critics to have been often very insufficiently governed by his own doctrine; but he was consistent in upholding the theory. And his recognition of it does the more honour to his philosophical perspicacity, inasmuch as the only science in which, at the time when he lived, any considerable achievement had been made, was mathematics; a science in which the inductions that constitute the first premises are truths so obvious and familiar, that it is particularly easy to mistake them for intuitions

directly apprehended by the mind; and they are, in fact, the example principally relied on by those who, down to and in our own times, deny Aristotle's principle. In his eyes, however, the axioms laid down in geometry, and those implied in arithmetic, are merely the most obvious of our generalisations from observation. They are all learnt from sense: not merely suggested by it to the mind, which afterwards perceives them to rest on a higher evidence, but actually proved by sense. If, by one of the schools between which philosophy is still divided, this is imputed to him as an error, the other, and in our opinion better, school sees in it a far-sighted anticipation of the ultimate verdict of philosophy.

Having thus put induction in its proper place, as the foundation and evidence of the truths from which all others flow, Aristotle does not inquire further into it, nor attempt to find any scientific criterion for distinguishing good induction from bad. His mind does not seem to have travelled beyond the primitive conception of induction, described by Bacon as "*Inductio per enumerationem simplicem, ubi non reperitur instantia contradictoria:*" and he probably considered this sufficient for scientific, as he certainly did for dialectic purposes; for, in the '*Topica*,' he lays it down that if one party in the discussion produces a number of instances in support of a generalisation, and the other party is unable to produce any in contradiction to it, he must be held to admit it. That Aristotle should not have seen his way to the scientific tests of

correct and incorrect induction, will not be surprising, if we consider that those tests are all grounded upon the universality of the Law of Causation, and that this universality was not known nor admitted in Aristotle's time, nor considered by him admissible. That the same phenomena always, without exception, reappear whenever a determinate set of conditions is exactly realised, was a truth which had not dawned upon his mind; nor had the knowledge of nature, which at that early period had been acquired, as yet established this uniformity of sequence as an universal, but only as a partial truth. Aristotle not only believed that some of the sequences which we now call laws of nature are true invariably, and others only for the most part, but admitted as positive causes in nature two agencies of which uniformity could not in any sense be predicated, *τύχη* and *τὸ αὐτομάτον*, chance and spontaneity. It can surprise no one that when the first basis of scientific induction, the constancy of the course of nature, had been so imperfectly laid, the rules and tests of induction which have been built upon that basis after its soundness had been proved by three centuries of the successful application of induction to subjects of ever increasing intricacy and complication, could not be arrived at by divination. It is not, however, quite so obvious why Aristotle could not have seen as much of the matter as Bacon saw; for Bacon also lived at a time when physical science had made few of its modern achievements, and such of them as it had made (those of

Galileo) he seems to have been ignorant of. Accordingly Bacon, no more than Aristotle, was able, by his mere sagacity, to arrive at the true rules and tests of induction. But he did, by that rare sagacity, perceive that such tests and rules must be grounded on the application to the investigation of nature, of that comparison of affirmative and negative instances to discover their point of difference, which Socrates and Plato had introduced and Aristotle had adopted for the investigation of definitions and for that only. It may seem a great derogation from Aristotle's reach of thought that he should have left it to Bacon to make this step. But we should consider that though Bacon had no experience of the success of the modern induction, he had two thousand years' experience of the failure of the ancient. There had by that time been ample evidence that the results arrived at by spontaneous generalisation from the instances which first offer themselves, are not to be relied on. Such reliance was still admissible in Aristotle's time. For he was the very first who put that primitive induction upon its proper trial, by using it systematically for scientific purposes; making a vast collection of such facts or reputed facts as he could procure, and trying what could be done in the way of direct generalisation from them. The need of a more artful method of induction was not likely to be felt until after the natural mode was seen to have failed; and it was the failure of that mode, after an ample trial by such a man as Aristotle, to establish conclusions that would stand

the test of practice, that awakened Bacon, and not him alone, but all the most advanced minds in an age of renewed intellectual activity, to the need of a safer and more penetrating inductive method.

These considerations ought to be borne in mind in judging of the numerous cases in which Aristotle's particular speculations have the appearance of being false to his own fundamental principle, that all knowledge is derived from experience. In Mr. Lewes's book on Aristotle (a work, so far as the present writer's knowledge of Aristotle enables him to judge, of exemplary fairness ; but which, though warmly acknowledging the great genius of Aristotle, yet, dealing chiefly with his crude physical speculations, unavoidably gives a much stronger feeling of his defects than of his superiority), there are to be found abundant examples of conclusions drawn by him from premises which, to our eyes, do not seem grounded on experience at all, but on what he himself specially warns others against—preconceptions originating in the mind. We doubt not, however, that Aristotle, if these assumptions had been questioned, would have unhesitatingly claimed for them the character of inductions from experience. To take one instance: he frequently assumes as a principle from which conclusions may legitimately be drawn concerning facts, that nature always aims at the best. Nothing, indeed, can be less scientific, or less supported by a true knowledge of nature, than this generalisation ; but Aristotle would have had no difficulty in citing as evidence of it, among other facts, all

those adaptations (so far as then ascertained) on which writers on natural theology insist as marks of benevolent design; and though he must have known of many facts apparently pointing the other way, he could not then know how deeply that other way penetrates into the most intimate constitution of nature, and doubtless believed that they all admitted of explanations which would reconcile them with the theory. The example we have chosen is a rather peculiar one, and we often find him building conclusions upon premises the connection of which with observed fact is, to modern apprehension, far more distant; but we still find him proceeding on some analogy, or apparent analogy, to some of the experiences of sense. These are not grounds on which he can fairly be charged with abandoning his fundamental principle. Rather, this mode of proceeding seems the inevitable first stage of the attempt to make a broad and far-reaching application of the principle. For it is now well understood that science does not advance by the mere collection of materials, but by using them, as fast as collected, in the construction of provisional generalisations, fitted to give a definite direction to further inquiry, and themselves destined, according to the results of fresh inquiry, to be corrected, limited, or totally abandoned. The first set of provisional generalisations were naturally and properly drawn from the most obvious facts. Generalisation "*ex his tantummodo quæ præsto sunt pronuncians*," so deservedly condemned by Bacon as the final method of scientific procedure,



is quite legitimate at its first stage; and if the provisional character of the generalisations was lost sight of, and they were mistaken for proved truths, the responsibility does not lie with Aristotle, who took the greatest pains to enlarge the stock of facts, and who certainly neither dreamed nor desired that his speculations should be accepted as infallible. It is true, he can hardly have imagined how very far his generalisations would prove to be from a genuine interpretation of nature. For he did not know, nor did any one then know, that the most familiar parts of nature are often the most intricate and complex, and that there are none of which the ultimate laws differ more widely from anything which first appearances give indication of.

Neither let us greatly blame Aristotle for not having more carefully sifted the evidence of his facts. It is charged against him that in the natural history of fishes, for example, he sets down as facts whatever were told to him as such by fishermen, some of which were real results of observation, while others were mere popular superstitions; but he had, mostly, no means of distinguishing the one from the other. He was forced to receive a great proportion of his information on trust. The age of scientific specialists had not yet arrived. Had he devoted his time, like Mr. Buckland, to a careful personal observation of the character and habits of fishes, he would have become, without doubt, a very remarkable ichthyologist; but could he have written even the *History of Animals*,

not to mention the Organon, the Ethics, or the Rhetoric? In his day, the greatest service which any one could do to physical science, was to make the largest possible collection of physical facts, and to link them together even by conjecture, leaving it to the future to eliminate those which the more attentive observation thus directed to them did not confirm. Aristotle did this, with an industry and often an intelligence deserving high praise; nor is it imputable to him that a dictum of his came to be thought, by a succession of generations, better evidence of truth than the use of their eyes.

Intimately connected with his opinion respecting the foundation of all our knowledge in sensible experience, is his view of the nature of Universals; which excited more interest and more discussion among those who succeeded him than his doctrine of Induction, and contributed most to make him be considered as the founder and chief of the school of sensible experience, in opposition to the Platonic or Realistic-Idealist school. Plato, it is well known, gave great prominence in many of his principal Dialogues, to the doctrine, that all individual and sensible objects being in a perpetual process of change, never *being*, but always *becoming*, there could be no knowledge, in any true sense of the term, of them, but only of certain archetypes or Forms, cognisable by intellect alone; which forms are the attributes in their completeness, an imperfect semblance of which we recognise in the best objects of sense. These Forms (called

by him Ideas, ἰδέαι, one of the Greek equivalents of form) had, according to him, a separate existence of their own, quite apart from sense. The gods lived in the constant contemplation of them, which was only possible to the human mind after a thorough training in philosophy, and could be complete only in a life after death. These were the only real Entia, or beings; the world of sense was something half-way between Entity and Non-Entity. Such is the doctrine respecting Universals which is called, and justly called, Platonic; though Plato also left very forcible statements of its difficulties, and the objections to which it was liable; coupled, however, with the declaration that in spite of all these, unless the doctrine is admitted, no knowledge is possible. Against this theory Aristotle carries on an unrelaxing polemic; and gives, in considerable detail, his reasons for rejecting it. But, being a constructive as well as a critical thinker, he sets up a counter theory. According to this, individual objects of sense, instead of not being Entia at all, are so more specially and in a fuller degree than any other things. He calls them, and them alone, First Substances. Genera and Species are substances also (Second Substances), but not self-existent, like Plato's Forms; on the contrary, he denies them all existence, except in, and as implicated with, some First Substance. Attributes, though also included among Entia, could still less be admitted to have a separate existence. Without going the length of the Nominalist doctrine, which holds nothing to be

universal but names, Aristotle takes up a middle position, analogous to that of the modern Conceptualists; but differing from them in this, that whereas they consider Universals as notions in the mind, made up from the world of sense by the intellect itself through a process of abstraction, Aristotle regarded them as having a real external existence; as only perceived, not made, by the intellect; perceived, however, not as independent entities, but as inseparable elements of the objects perceived by sense. The antagonism between this theory and Plato's, the two doctrines placing the seats of objective reality at opposite poles, the one in individuals, the other in the highest generalities, accounts for the character assigned to Aristotle of being the head and front of the *à posteriori*, as Plato is held to be of the *à priori* metaphysics. But it is noticeable that in the hands of the school that predominated in the Middle Ages, who assuredly looked up to Aristotle with an almost servile deference, his philosophy grew into a well-defined system of Realism, from which it was reserved to thinkers of a much later date to emancipate thought. Mr. Grote was of opinion that this misinterpretation, as he considered it, was in a measure owing to the very imperfect possession of Aristotle's writings by the early Middle Ages. In a private letter quoted by the editors in their preface,\* Mr. Grote says that he should be able to show "how much the improved views of the question of Universals depended on the

\* Preface, p. vii.

fact that more and more of the works of Aristotle, and better texts, became known to Albertus Magnus, Thomas Aquinas, and their successors. During the centuries immediately succeeding Boethius, nothing of Aristotle, except the Categories and the treatise *De Interpretatione*, was known, and these in a Latin translation. Most fortunately, the Categories was never put out of sight; and it is there that the doctrine of *Substantia Prima* stands clearly proclaimed."

But though the doctrine of *Substantia Prima*, in the book on the Categories, thoroughly excludes Plato's form of realism, that of *Substantia Secunda*, which is there combined with it, afforded a basis on which it was possible to erect another realistic doctrine. Universals, as understood by Aristotle, were not indeed, like Plato's, *extra rem*, but they were *in re*, and not solely in the cognising mind. The difference, no doubt, was great between the two doctrines. As conceived by Aristotle, universals would perish if there were no particulars to predicate them of:—

"The subject,\* or First Substance, which can never become a predicate, is established as the indispensable ultimate subject for all predicates: if that disappears, all predicates disappear along with it. The Particular thus becomes the keystone of the arch whereon all Universals rest. Aristotle is indeed careful to point out a gradation in these predicates: some are essential to the subject, and thus approach so near to the First Substance that he calls them Second Substances;

\* Grote, ii. 263.

others, and the most in number, are not thus essential; these last are Concomitants or Accidents, and some of them fall so much short of complete Entity, that he describes them as near to Non-Entia. But all of them, essential or unessential, are alike constituents or appendages of the First Substance or Particular Subject, and have no reality in any other character."

This was a great advance on the doctrine, that the only reality, and the only possible subject of science, exists in a sphere altogether apart from particulars; and it did not, like that, cultivate a disdain of the physical details among which lies the only real road to the discovery of the laws of nature. But the admission of general substances, though only as embodied in individual substances, gave a loop-hole through which, in another shape, the realism which is a natural outgrowth of the human mind could creep in; and a world of argument and discussion was found necessary again to dislodge it. The tendency to believe that a real thing is signified wherever there is a real word, was in this instance favoured by some of the leading doctrines of Aristotle in metaphysic proper: especially by two distinctions, which run through all his 'Philosophia Prima'—the analysis of every object of perception or thought into two ingredients, Matter and Form, and the cognate distinction between Potential and Actual being; the matter of a thing being only potentially the thing, until the superinduction of the form makes it actually so. These forms, which he does not call *ἰδέαι*, like

those of Plato, but εἶδη, and which are in reality the attributes of objects, are thus the actual creators of objects as they exist in ἐντελεχεία or completedness; and this attribution to forms of a kind of active power, made it difficult to avoid regarding them as substantive entities: whether existing outside the individual thing or only in it, seeming from that point of view to be of little consequence. Indeed, Aristotle actually makes it one of his reproaches against Plato's Ideas, that from their immobility in themselves, and complete severance from individual bodies, they could not have a moving force, whereby anything can be made to *become*; whereas his εἶδη were actual causes.

The real expulsion of the objective existence of universals from philosophy was left to be effected by the Nominalist schoolmen, towards the end of the Middle Ages: since which the only dispute remaining open is between the pure Nominalism of Hobbes, and the Conceptualism of Locke and Brown; the one seeing nothing in general names but a collection of resembling objects and a word; the other superadding a mental representation, called an abstract idea, a general notion, or a concept. Nevertheless, though Aristotle did not finally accomplish the work, he will always be honourably recognised as the thinker who began it; the first who saw that knowledge begins in particulars, and rises from them to the universal, and that our knowledge of universals is but the knowledge of something which exists in the particulars, some point which a number of particulars have in common;

the first, therefore, who diverted intellect from the path which could only lead, and did for ages lead, to making philosophy a jingle of mystical abstractions, and turned it into that better path which lands us at the goal of a truer philosophy, the most general and comprehensive expression of real facts.

In the remaining branches of logic, those which relate to propositions, and to the modes of signification of terms, the services of Aristotle were less signal, but not less indispensable. Before him, the expression of the operations of the mind in language had scarcely received the merest commencement of logical analysis: we see by Plato that technical terms did not yet exist even for the subject and predicate of a proposition, still less for the differences of (so-called) quantity and quality in propositions, the equivalence or non-equivalence of different forms, and the modes of opposition among propositions—a sure proof that these distinctions, elementary as they are, had not yet excited sufficient attention to have led to their being generalised. Even Plato, as Mr. Grote points out,\* shows a curious want of perception of some of them; and his predecessors and some of his contemporaries were entangled in many puzzles, which would have been puzzles to no one to whom these distinctions were familiar, but from which they could find no means of extrication but through some palpable absurdity. It is impossible, without some knowledge of the early speculations of mankind before their

\* Grote, i. 195.



simplest logical instruments were duly fashioned, to appreciate the debt due to those who first gave to such of those instruments as are now the most familiar, the precision which fits them for their work. This merit may justly be claimed for Aristotle, in respect to almost all the terminology and distinctions of formal logic. Of the "positive theory of propositions which we read in his treatise *De Interpretatione*," Mr. Grote remarks :\*

"It is, so far as we know, the first positive theory thereof that was ever set out; the first attempt to classify propositions in such a manner that a legitimate *Antiphrasis* could be assigned to each; the first declaration that to each affirmative proposition there belonged one appropriate negative, and to each negative proposition one appropriate counter-affirmative, and one only; the earliest effort to construct a theory for this purpose, such as to hold ground against all the puzzling questions of acute disputants. The clear determination of the *Antiphrasis* in each case—the distinction of Contradictory antithesis from Contrary antithesis between propositions—this was an important logical doctrine never advanced before Aristotle; and the importance of it becomes manifest when we read the arguments of Plato and Antisthenes, the former overleaping and ignoring the contradictory opposition, the latter maintaining that it was a process theoretically indefensible. But in order that these two modes of antithesis should be clearly contrasted, each with its proper characteristic, it was requisite that the distinction of quantity between different propositions should also be brought to view, and considered in conjunction with the distinction of quality. Until this was done, the Maxim of

\* Grote, i. 196.

Contradiction, denied by some, could not be shown in its true force or with its proper limits. Now we find it done, for the first time, in the treatise before us. Here the Contradictory antithesis (opposition both in quantity and quality) in which one proposition must be true and the other false, is contrasted with the Contrary (propositions opposite in quality, but both of them universal). Aristotle's terminology is not in all respects fully developed; in regard, especially, to the quantity of propositions it is less advanced than his own later treatises; but from the theory of the *De Interpretatione*\* all the distinctions current among later logicians take their rise."

It is another service of Aristotle to logic, that he was the first to treat largely and systematically of the ambiguities of terms; and (though not unfrequently misled by them himself) made a practice, through all his writings, of distinguishing the various senses in which the principal terms of philosophy were used,

\* Mr. Grote cannot be reprehended for calling Aristotle's writings by the names by which they are currently known. Yet surely it is time that the mistranslation *De Interpretatione* should be banished, and the treatise *περί ἐρμηνείας* should be known by its proper designation, *De Enunciatione*. There is not a single word about interpretation in the whole treatise; and the use of that name for it is a puzzle to learners, and a snare for those who would be thought to know more about it than they do: as we see by the *mauvaise plaisanterie* of Swift, in the 'Tale of a Tub,' where he says that Lord Peter had studied the works of Aristotle, and especially that wonderful treatise 'De Interpretatione,' which teaches its readers to find a meaning in everything except itself. In Liddell and Scott's Greek Lexicon, the meanings assigned to *ἐρμηνεύω* are, "to be an interpreter, to interpret: hence to express, give utterance to: to explain, make clear." The second signification, that of expressing, or giving utterance to, a fact, or thought, is the only meaning in which the term or its derivatives could possibly be employed to designate a treatise on Propositions.

and even discriminating between meanings that are wholly different and those which are connected by some tie of analogy with one another. Of this last distinction he makes frequent use in the generalities of his philosophy. For example, he says that *Ens*, or *Being*, though predicable of all the categories (substance, quantity, quality, &c.) is not predicated of them as a genus is predicated of its various species, in one and the same sense; but yet, not in senses wholly unconnected with one another. A quality, for instance, is not a *Being* in exactly the same sense as a *Substance* is; it is called a *Being* by a kind of analogy: and some *Beings*, therefore, may be, and are, more or less *Beings* than others; less fully *Beings*, *Beings* in a less complete degree. In connection with this, let us mention that, as Mr. Grote points out,\* Aristotle in some degree anticipated the acute remark of Hobbes, first brought into its due position of importance by James Mill, respecting the double meaning of *to be*; “first, *per se*, as meaning existence; next, relatively, as performing the function of copula in predication. . . We may truly say *Homer is a poet*” (copula), “but we cannot truly say *Homer is*” (existence). “He tells us, in reply either to Plato or to some other contemporaries, that though we may truly say *Non-Ens est opinabile*, we cannot truly say *Non-Ens est*, because the real meaning of the first of these propositions is, *Non-Ens est opinabile non esse*.” We see in some of Plato’s dialogues what an amount of verbal fallacy,

\* Grote, i. 181-2.

and even of genuine perplexity, arose from inattention to this double meaning.

In the book on the Categories, Entia or Beings, in the large extension which Aristotle allows to the term (an extension including whatever can be thought or spoken about affirmatively, and excluding, if anything, only negatives), are distinguished, and arranged under heads; but only in respect of their capacity of entering into a proposition. One kind of Ens, the individual object, or Substantia Prima, is unfit to be predicated of anything except itself, and can enter into a proposition only as a subject. Genera and Species, or Second Substances, may be predicates as well as subjects; and they, as well as all the other Categories, communicate some special kind of information respecting the subject of which they are predicated. Substance is the answer to the question, *What* is it. Quantity to *How great* is it. Quality *Of what sort* is it. *Ad aliquid*, or Relation, to *What* character has it in reference to something else. And so with the other Categories—Where, When, Posture, Dress or Equipment, Action, and Being acted upon. There has been an endless amount of writing for, against, and in explanation of, the validity of this classification. Mr. Grote, while himself criticizing it from the point of view of the Relativity of *all* human knowledge, defends it, not without success, against some of the minor criticisms which have been made by (among others) the present writer. The best which can be said in favour of it will be found in the acute work of Dr.

Franz Brentano, on the different meanings of *ens* according to Aristotle;\* a book often cited and highly appreciated by Mr. Grote. Dr. Brentano attempts to detect the logical process, never stated by Aristotle himself, whereby he was led to constitute precisely those ten Categories; and though (as Mr. Grote thinks) he may not have proved that Aristotle really did reach them by that path, he has undoubtedly shown that they might have been so reached, and that the classification admits of a valid defence from the Aristotelian point of view. Dr. Brentano has also, we think, completely proved (what has sometimes been denied) that although, in the scheme of the Categories, the idea of predication was predominant, Aristotle did also regard them as the *Summa Genera* in a classification of Things. To have made the first attempt at a classification of Things in general in their logical aspect, external realities and mental abstractions taken together, was so considerable a step, that one may more justly wonder that its defects are not greater, than at their being so great as they are. The detailed discussion of the several Categories brings out various properties and distinctions which are permanently valid, and have passed into modern thought.

Thus far of Aristotle as a logician: in which character his performances, considered under the double aspect of originality and substantial value, have justly earned for him the highest honour which it has

\* Von der mannigfachen Bedeutung des Seienden nach Aristoteles. Von Franz Brentano. Freiburg im Breisgau, 1862.

been in the power of any one to deserve in that science. As a psychologist and metaphysician he stands on a much lower level, and his labours in those fields have seldom more than an historical interest. Except an incidental remark here and there, his claims to have made any real contribution to positive knowledge on those subjects rest on the share he had in laying the foundation of the doctrine of Association. The amount of that share is much disputed. Sir William Hamilton, in one of the elaborate dissertations appended to his edition of Reid, claims for Aristotle to have been "at once the founder and finisher of the theory of association:" meaning, of course, the laws of association itself, not the modern applications of it to the explanation of the more complex mental phenomena, most of which applications Hamilton did not admit. He acknowledges that in order to establish this high claim on behalf of Aristotle, it is necessary to correct misconceptions "which, bequeathed by the first, have been inherited by the last of Aristotle's interpreters."\* If, therefore, the philosopher knew all that Hamilton believed him to have known, he did not succeed in transmitting the knowledge to his most distinguished pupils. But this, which to most people would seem a defect, enhances, in Hamilton's eyes, the glory of the master. "Aristotle," he says,† "has been here so long misapprehended only because he was so far ahead of his expositors. Nor is there a higher testimony to his genius than that it required a

\* Hamilton's edition of Reid's Works, p. 891.

† Hamilton, 847.

progress of philosophy of two thousand years before philosophers were prepared to apprehend his meaning, when the discovery of that meaning was abandoned to their own intelligence." Looking solely at his own pages, Hamilton seems to make out a strong case. Unfortunately for him, Mr. Grote has shown, in a paper now first published (in the appendix), that Hamilton's capacity of putting a meaning into passages of Aristotle which Aristotle never thought of, exceeded anything for which our previous knowledge of Hamilton had prepared us. Mr. Grote himself, however, says, in more measured language,\* that Aristotle, in his account of Memory and Reminiscence, "displays an acute and penetrating intelligence of the great principles of the Association of Ideas," more, however, in reference to reminiscence than to memory; "and the exaggerated prominence that he has given to the distinction between the two (determined apparently by a wish to keep the procedure of man apart from that of animals) tends to perplex his description of the associative process." Had we possessed from Mr. Grote that minute examination of the treatise on Memory and Reminiscence which would doubtless have formed part of his work on Aristotle, instead of the brief notice of it in the essay contributed to Mr. Bain, we should have been better able to judge how far, if at all, in this case (as, according to Mr. Lewes, in many branches of physics) modern knowledge has been read into Aristotle's words.

\* Grote, ii. 217.

The part of Aristotle's writings known as the "Metaphysica" did not receive that name from the philosopher himself; it was invented by his Greek editors, and signified merely the position which they assigned to those writings in their arrangement of his works. Aristotle's own name for the subject matter of them was *ἡ πρώτη φιλοσοφία*, a phrase adopted from him by Bacon and Hobbes as a name for the highest generalities of philosophy. It was in this sense that Aristotle used it, and what he included under it consisted of all that belonged to Being as such—Ens *quatenus* Ens; together with—

"the axioms and highest generalities of syllogistic proof or Demonstration. He announces," says Mr. Grote,\* "as the first principle of these Axioms—as the highest and foremost of all Principles—the Maxim of Contradiction: The same predicate cannot both belong and not belong to the same subject, at the same time, and in the same sense; or, You cannot both truly affirm, and truly deny, the same predicate respecting the same subject; or, The same proposition cannot be at once true and false. This Axiom is by nature the beginning or source of all the other Axioms. It stands first in the order of knowledge, and it neither rests upon nor involves any hypothesis."

This *principium contradictionis*, or Law of Contradiction, has ever since been recognised as the ultimate principle of all syllogistic, which is as much as to say of all general, reasoning; the validity of which consists in the fact that to deny the conclusion, accepting

\* Grote, ii. 140.



the premises, involves a contradiction ; and its real, and only real, function is to keep our particular judgments consistent, and the reverse of those judgments inconsistent, with the general propositions to which we have previously given our assent. The distinct laying down of this axiom ("and its supplement or correlative, the maxim of the Excluded Middle") was the necessary completion of the theory of the syllogism. Obvious as these maxims appear, the clear perception that the evidence of general reasoning depends on them was a capital step in philosophy, and shows the determination of Aristotle to follow subjects up to their first principles.

The question arises, what is the ground of these axioms themselves? and Aristotle does not blink this question. There were thinkers in and before his time, particularly Herakleitus and his followers, who denied the axiom of contradiction. Aristotle

"goes at length into the case against them, as well as against others, who agreed with him in affirming the Maxim, but who undertook also to demonstrate it. Any such demonstration Aristotle declares to be impossible. The maxim is assumed in all demonstrations ; unless you grant it, no demonstration is valid ; but it cannot be itself demonstrated. He had already laid down in the *Analytica* that the premises for demonstration could not be carried back indefinitely, and that the attempt so to carry them back was unphilosophical. There must be some primary, undemonstrable truths ; and the Maxim of Contradiction he ranks among the first. . . . In attempting any formal demonstration of the Maxim, you cannot avoid assuming the Maxim itself, and thus falling

into *Petitio Principii*." Nevertheless, "Aristotle contends that you can demonstrate it in the way of refutation, relatively to a given opponent, provided such opponent will not content himself with simply denying it, but will besides advance some affirmative thesis of his own, as a truth in which he believes ; or provided he will even grant the fixed meaning of words."\*

Mr. Grote gives a full exposition of this opinion of Aristotle, but himself dissents from it, observing that the worst dilemma to which the supposed opponent could be reduced is that of falling into another contradiction—a difficulty which, by maintaining that a self-contradiction is not necessarily false, he has declared himself willing to face. In Mr. Grote's opinion, the proof of the Axiom of Contradiction, like that of all other axioms, is inductive. "All that can really be done in the way of defence is, to prove the Maxim in its general enunciation by an appeal to particular cases. If your opponent is willing to grant these particular cases, you establish the general Maxim against him by way of induction ; if he will not grant them, you cannot prove the general Maxim at all."† This is indeed hunting the doctrine of *à priori* knowledge from its last refuge : and we should be heartily glad if we were able to agree with Mr. Grote : so important do we deem it both to philosophy and to practice to leave nothing standing which countenances the notion that there is a kind of knowledge independent of experience. But it seems

\* Grote, ii. 143, 144.

† Grote, ii. 166.

to us that though the *meaning* of the two maxims, of Contradiction and Excluded Middle, like that of all other propositions expressed in general terms, is only understood by means of particular cases, those axioms stand, in one respect, on a different ground from axioms in general. The proposition that the affirmation and denial of the same fact cannot both be true, is at once assented to for this reason, that the judging one of them to be true and judging the other to be false are not two different acts of the mind, but the same act. We assent with like readiness to the statement that they cannot both be false, because the judging either to be false is the very same mental act with judging the other to be true. This identity of the mental operation constitutes the very meaning of the words in which the axioms are expressed; it is impossible to understand the words "true" and "false," the words "is" and "is not," in any other sense. For this reason it seems to us that the axioms in question do not need the support of a gathered experience; they have their root in a mental fact which makes it impossible to contravene them\*—a fact implied in

\* This statement may seem inconsistent with the fact that there were, in the earliest stage of Greek speculation, persons who are represented to have denied the Axiom of Contradiction, and whose good faith (though questioned by Aristotle) there seems no good reason to doubt. But this was before the real nature and meaning of Contradictory Propositions had been set out with clearness, which (as Mr. Grote observes) was first done by Aristotle, and previous to which men's minds were in such a muddle on these abstract subjects, that they hardly knew what they affirmed or denied. We greatly doubt if Herakleitus, or any one else, ever faced two really contradictory pro-

every form of words which can be used to express them. Undoubtedly, however, the impossibility must be felt in particular instances before it can be assented to in general terms; and in this sense it must be granted to Mr. Grote that the proof of the generalisation lies in the particular instances.\*

We have now reached the limits of the portion of Aristotle's ontology and psychology which is fully explained and discussed by Mr. Grote. To go on to the remainder with no more of that invaluable assistance than the abstract of the "Metaphysica" in the

positions, and asserted that both could be true, at the same time and in the same sense. In the cases best known to us there was no real contradiction. Those who are cited as maintaining that a person (for instance) might be at once a man and not a man, seem to have meant by not-man, not something exclusive of man, but only something different from, though compatible with it. We may be reminded of the revival, by a noted modern metaphysician, of the Herakleitean doctrine that the Axiom of Contradiction is not of universal validity; but the sphere in which Hegel declared it to be invalid was that of the Absolute, which being territory utterly beyond human ken, the very existence of which we have no faculties to inform us of, it is open to any one to imagine not only all the facts of our knowledge, but all the laws of the knowing mind, totally reversed in that region of the Unknowable.

\* In commenting on Aristotle's treatment of the two fundamental axioms, in the course of which the philosopher contests the celebrated doctrine of Protagoras known as the *Homo Mensura* (that Man is the measure of true and false, every opinion being "true to the believer, false to the disbeliever"\*) Mr. Grote renews the defence which he had already made of the Protagorean doctrine in his remarks on the Platonic *Theætetus*, and which we have always regretted, because we think it turns upon a *malentendu*, and is itself very liable to be misunderstood. Mr. Grote considered Protagoras as having

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\* Grote, ii. 151.

appendix, and the analysis of the "De Animâ" written for Professor Bain's treatise, would be an undertaking which could only be practicable after a study of the original little short of that which had been given by Mr. Grote. The difficulty of finding a meaning, intelligible to modern habits of thought, in trains of speculation so alien to our methods, expressed in phraseology for which we have no equivalents, and which seems to us hopelessly entangled and irretrievably confusing, is extreme; and the result is seldom, unless in an historical point of view (nor always even

meant by his doctrine what is now called the Relativity of Human Knowledge (among the assertors of which he is, on the strength of this doctrine, included by Sir William Hamilton); and, in addition to this, "the autonomy of each individual inquirer as a measure of truth to himself;" every one having an equal right to judge for himself whether the grounds of an opinion are convincing to him. But if this was the meaning of Protagoras, it was not only paradoxically, but incorrectly expressed. It would surely be a perverse employment of language to say that if I believe two and two to make five, they really make five to me, or that, if I erroneously believe a certain person to be dead, he is really dead to me though not to other people. The truth of a belief does not consist in its being believed, but in its being in accordance with fact: if it is so, whether everybody believes it or nobody is a circumstance totally irrelevant; if not, my believing it does not make that true to me, which when I proceed to act on it I shall find to be false. The doctrine that there is no standard of truth to any one but his own conviction of it, has its right place only in a philosophy which rests truth on direct intuition, and such a philosophy cannot easily shake itself free from this consequence: but Mr. Grote, who grounds truth exclusively on experience, is bound to admit that every individual's ultimate standard is experience together with the conclusions that can be drawn from it, and that if his belief does not accord with that standard, it is not a true belief in any sense whatsoever. It needs hardly be added that this is in reality as much Mr. Grote's opinion as our own, and that our difference with him is merely verbal, though not, for that reason, unimportant.

in that), of a value commensurate with the difficulty. The "*Metaphysica*," or such part of it as has come down to us (for its fragmentary appearance has struck the commentators, and it has been conjectured to have never been completed), turns principally upon the two antitheses we have already referred to, that of Matter and Form, and that of Potential and Actual. Everything is composed of Matter and Form, except an hypothetical First matter which has no Form, and a Form which has no Matter, and is the Divine Intelligence. But those composite objects which have both Matter and Form, are all of them Matter in relation to any different or additional Forms which they are capable of taking on. Everything *is* potentially whatever it is capable of becoming, and by virtue of the appropriate Form it becomes what it does become. Besides Matter and Form, Aristotle recognises another element, Privation. Some changes are produced, not by a Form, but by the Privation of a Form; thus, he does not recognise a Form of Health and a Form of Sickness, but regards sickness as the privation of health; a sick man from being potentially well, becomes actually so by receiving the Form of Health; but a healthy man becomes sick, not through a Form of Sickness, but through the Privation of the Form of Health. These notions, and the numerous minutiae and subtleties into which they are followed out, even were they liable to no other objection, would tell us nothing of the laws of phenomena; they give no power of prediction, and explain nothing; they are but

a particular mode of restating the facts to be explained. To say that it is the union of the form of health with the matter of the body which makes the man healthy, is but to say, in technical language, that he is made healthy by health. If the Form of Health is anything different from the fact of health, it is an imaginary entity conjured up out of an abstraction, and supposed to be immanent in all things that possess the property it is the form of; as, in a still earlier stage of speculation, gods were thought to be immanent in rivers, and nymphs in trees. There is a state of the human mind in which these metaphysical fictions seem to convey explanation; and Aristotle, with all his far-sighted perception that the source of knowledge is observation of particulars, had not got beyond that state.

What is commonly called the Psychology of Aristotle is a theory of the various souls, or living principles, which he recognises as existing in nature, and regards as the Forms or Active Principles of life in its different degrees; though he hardly regards them as objectively distinct from one another, but rather as modifications of a single Principle, successively superinduced by the addition of more attributes. His classification of the supposed agents fairly coincides with the modern classification of the phenomena. The first is the Nutritive Soul, common to animal and vegetable life. The second is the Sensitive, which is also the Locomotive Soul, common to all animals. The third and highest is the Noëtic, or

Intellectual Soul, belonging to man alone. This last, again, he finds it necessary to subdivide into the passive, or merely receptive intelligence, and the active intelligence, or νοῦς ποιητικός; the latter of which is the moving force, through which what is merely potential in the passive intelligence becomes actual. No part of the speculations of Aristotle is more obscure than the theory of the νοῦς ποιητικός, which he regarded as a part of the universal νοῦς of the universe, independent of the bodily frame, and therefore capable of surviving it, though whether or not with a personal immortality remains matter of dispute. The subject is but slightly touched on in the essay by Mr. Grote which is printed as the last chapter of his treatise. A full and elaborate treatment of it, grounded on a comprehensive view of Aristotle's metaphysical doctrines, has been given by a writer already mentioned, Dr. Franz Brentano, in a work "On the Psychology of Aristotle, especially with reference to the νοῦς ποιητικός,"\* which, having been published as lately as 1867, does not seem to have been known to Mr. Grote when he wrote his essay; and which, without venturing to decide whether the author has established all his points, the present writer cannot help noting as one of the most thoroughly executed pieces of philosophical research and exegesis which it has been his fortune to meet with.

\* Die Psychologie des Aristoteles, insbesondere seine Lehre vom νοῦς ποιητικός. Von Dr. Franz Brentano, Privatdocent der Philosophie an der Universität zu Würzburg. Mainz, 1867.



The Ethics, Politics, and Rhetoric of Aristotle are not touched upon by Mr. Grote, and the present is not a convenient occasion for saying much about them; still less about the Poetics. We may say, however, of the Rhetoric, that besides its special worth in regard to its particular subject, which is even now considerable, it is one of the richest repositories of incidental remarks on human nature and human affairs that the ancients have bequeathed to us. In this consists also, in our judgment, the principal value of the Ethics and Politics, which, as treatises on those special subjects, have for their most marked characteristics that dread of extremes and love of the *via media* which were deeply rooted in Aristotle's mind. The Politics, in lieu of the adventurous anticipations of genius which we find in the "Republic" of Plato, presents us with the mode of thinking of a Liberal Conservative, or rather, of a moderate aristocratical politician, at Athens. In the main, it is a philosophic consecration of existing facts (witness its strange defence of slavery), choosing by preference among those facts such as tend towards stability, rather than towards improvement. It should be remembered that, unless so far as Plato may be considered an exception, none of the ancient politicians or philosophers believed in progress; their highest hopes were limited to guarding society against its natural tendency to degeneration.

There remains to be noticed one work of Aristotle, which is copiously analyzed and commented on by

Mr. Grote, and which is of great importance to a correct understanding of the Greek mind: the treatise which, under the name of 'Topica,' is included in the Organon, and of which the 'Sophistici Elenchi' is properly the concluding book. Both the conception and the detail of this work are of a nature to puzzle, and, when not properly understood, to scandalize, the modern mind. It is a treatise on Dialectic Reasoning, as distinguished from Demonstrative, which last had been elaborately treated in the Analytics. Dialectic, as there understood, is the art of arguing for victory, not for truth, and instruction in that art is the declared object of the treatise. In order justly to appreciate such a design, and to perceive how it could coexist, as in Aristotle's case the whole collection of his writings witnesses that it did, with an indefatigable ardour in the pursuit of truth, it is necessary to remember how large a place in Grecian life was occupied by contests of skill between individuals, in matters both physical and intellectual. When we think of the vast honour understood to accrue, not only to the actual victor but to the city he belonged to, by his gaining a prize in the Olympic festival (among which prizes one for poetry was included), and the numerous minor competitions of a similar kind in the various Greek states, by which the minds of aspiring persons were kept perpetually on the stretch to acquire celebrity by successes of this nature; it cannot be wondered at that after Dialectics, or regulated discussion by question and answer, had been introduced by Zeno of

Elea, and brought to perfection by Socrates and Plato, this also should have become extensively popular as a game of skill. In this game, a thesis, usually on some important and highly interesting subject, was propounded for discussion, the propounder undertaking to defend it against all objections. The assailants were required to proceed by putting questions to him, which must be such as admitted of an explicit answer by yes or no, nor was any other kind of answer permissible. If the assailants were able to reduce the respondent to admissions inconsistent with each other or with the thesis, they were victorious; if they failed to do this, the victory was with the respondent. In this intellectual exercise no wrong was done to truth, the known object being, not to disprove the thesis, but to test the disputant's ability to defend it against objections. How completely such was the sole object is shown in this, that the assailant of the thesis was not allowed to propound positive arguments against it; he could only put questions to the respondent, and must derive his refutation from the respondent's own answers. There is nothing immoral in arguing for victory when that is the object professed, and the only wrong that could be committed in the case was a violation of the rules of the game. These rules were of course framed with a view to render such contests possible, to make them intelligible and interesting to an audience, and to secure a fair field and fair play to both sides. This explains why the premises introduced by the arguers were required

to be ἐνδοξα, (in the language of the casuists, borrowed no doubt from Aristotle, *probable opinions*), that is, they must be opinions either held generally by mankind, or maintained by some respected authority. However true they might be, if they were recondite, and remote from common apprehension, the respondent could not reasonably be expected to be prepared for them; while, if they had good authority on their side, it was not even necessary that the person using them should believe them to be true, truth not being the object, but to reduce the respondent to an inconsistency, and it being always open to him to admit them or not. The same thing explains why it was lawful, even in the opinion of Aristotle, to entrap the respondent into an admission, which on calm reflection he would not have made; for this equally answered the purpose of testing his skill and knowledge. On the other hand, the licenses allowed by the game might be pushed too far, and the allowable kinds and degrees of artifice might be exceeded in such a manner as to defeat the legitimate purpose of the trial of skill. This, Aristotle says, was often done by dishonest persons, or persons of a litigious disposition; and the concluding book, 'De Sophisticis Elenchis,' is composed of warnings against their malpractices.

The purpose of Aristotle, in giving instructions for success in these contests, went much farther than merely to qualify people for being victorious over an adversary. The study and practice were, he said,

of great utility in reference to the pursuit of truth. "First" (we now quote from Mr. Grote\*) "the debate is a valuable and stimulating mental exercise." This was the simplest and most obvious of its recommendations. "Secondly, it is useful for our intercourse with the multitude; for the procedure directs us to note and remember the opinions of the multitude, and such knowledge will facilitate our intercourse with them: we shall converse with them out of their own opinions, which we may thus be able beneficially to modify." This is interesting, as indicating Aristotle's opinion (differing from that of many of the ancient philosophers) that the philosopher ought not to keep aloof from the multitude, and withdraw himself from the duty of advising them for their good by arguments drawn from their own opinions. "Thirdly, dialectic debate has an useful though indirect bearing even upon the processes of science and philosophy, and upon the truths thereby acquired. For it accustoms us to study the difficulties on both sides of every question, and thus assists us in detecting and discriminating truth and falsehood." Of this benefit from dialectic exercise, Aristotle's own practice affords a remarkable verification: for he very frequently commences his investigation of a difficult question by a detailed enumeration and statement of the *ἀπορίαι*, the difficulties or puzzles, which affect it; and there is no way in which his method of studying a subject sets a more beneficial example. In this respect he

\* Grote, i. 391.

was greatly in advance not only of his own time, but of ours. His general advice for exercise and practice in Dialectic is admirably adapted to the training of one's own mind for the pursuit of truth. "You ought\* to test every thesis by first assuming it to be true, then assuming it to be false, and following out the consequences on both sides." This was already the practice of the Eleatic dialecticians, as we see in the *Parmenides*.

"When you have hunted out each train of arguments, look out at once for the counter-arguments available against it. This will strengthen your power both as questioner and respondent. It is, indeed, an exercise so valuable, that you will do well to go through it by yourself, if you have no companion. Put the different trains of argument bearing on the same thesis into comparison with each other. A wide command of arguments affirmative as well as negative will serve you well both for attack and defence. This same accomplishment will be of use, moreover, for acquisitions even in Science and Philosophy. It is a great step to see and grasp in conjunction the trains of reasoning on both sides of the question; the task that remains—right determination which of the two is the better—becomes much easier."

We are far from asserting that the dialectic contests of the Greeks, or the public disputations of the Middle Ages which succeeded to them, had never any but a beneficial effect; that they had not their snares and their temptations, and that the good they effected might not be still better attained by other means. But

\* Grote, ii. 63, 64.

the fact remains that no such means have been provided, and that the old training has disappeared, even from the Universities, without having been replaced by any other. There is no reason why a practice so useful for the pursuit of truth should not be employed when the attainment of truth is the sole object. We have known this most effectually done by a set of young students of philosophy, assembling on certain days to read regularly through some standard book on psychology, logic, or political economy; suspending the reading whenever any one had a difficulty to propound or an idea to start, and carrying on the discussion from day to day, if necessary for weeks, until the point raised had been searched to its inmost depths, and no difficulty or obscurity capable of removal by discussion remained. The intellectual training given by these debates, and especially the habit they gave of leaving no dark corners unexplored—of searching out all the *ἀπορίαι*, and never passing over any unsolved difficulty—has been felt, by those who took part, to have been invaluable to them as a mental discipline. There would be nothing impracticable in making exercises of this kind a standing element of the course of instruction in the higher branches of knowledge; if the teachers had any perception of the want which such discussions would supply, or thought it any part of their business to form thinkers, instead of “principling” their pupils (as Locke expresses it) with ready-made knowledge. But the saying of James Mill, in his essay on Education, is as true now

as when it was written—that even the theory of education is far behind the progress of knowledge, and the practice lamentably behind even the theory.

We now take our leave of Aristotle, referring the reader for fuller knowledge to Mr. Grote's book ; which, as a guide to all the parts of Aristotle's speculations that are included in it, fulfils the expectations excited by his work on Plato, and leaves nothing to regret but that the remainder of the Aristotelian writings have not had the benefit of the same clear exposition and philosophical criticism, and that a general estimate of Aristotle and of what he did, by so competent a judge, has not been bestowed on us. Besides the matter already spoken of, the work contains a life of Aristotle, and a discussion of the canon of his writings ; in both of which, the use made of scanty materials is worthy the author of the *History of Greece*. It is a curious and almost unique accident, that although many of the writings of Aristotle have been lost, we are actually in possession of some, and those among the most important, which were not accessible to his followers for many generations after the death of his immediate successor, Theophrastus. The collection of manuscripts made by Aristotle and enlarged by Theophrastus, which contained the most precious of the Aristotelian treatises, remained near a century and a half in a hiding-place under ground, at Skepsis in Asia Minor, to prevent their being seized by the kings of Pergamus, to enrich the royal library ; and they emerged from thence after



the extinction of the Attalid dynasty, so injured by damp and worms that many passages had to be restored conjecturally: first by an incompetent editor, Apellikon; afterwards more intelligently, but necessarily with increase of difficulty, by Andronicus of Rhodes, somewhat later than the time of Cicero, in whose early youth the books were brought to Rome from Athens by Sylla. So narrowly did posterity escape the loss of one of the chief treasures of Grecian antiquity; many of the treatises having only come down to us through these damaged manuscripts: the condition of which is probably responsible for much of the obscurity which has given so much trouble to commentators and to students: for Aristotle's literary style, though often awkward (being both prolix and elliptical) is by no means, in his best preserved works, deficient in clearness.

## L' AVERE E L' IMPOSTA.\*

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THOSE who are apt to feel discouragement at the slow progress of mankind, both in the discovery of truth and in the application of it, may derive comfort from the fact that those nations which, from historical accidents or their own energy, precede others in either of these kinds of improvement, are found to have laboured not for themselves only, but for all the rest, and greatly abridge the task for those who have fallen behind. The European nations which have lately been freed from the hindrances that had retarded their development—Italy and Hungary—with the vigorous impulse which the awakening of liberty gives to the human faculties, have thrown themselves into serious study; and being able to resort at once to the latest and best products of thought in the more advanced countries, are attaining by strides the results which their teachers were only able to reach by slow and measured steps. Knowing that they have all to learn, they learn all at once, having no habit, authority, or prejudice to detain them half-way.

If an example is desired, one will be found in the work before us, the production of a distinguished

\* 'L'Avere e l'Imposta.' Per Costantino Baer. Roma, Torino, Firenze, 1872.

Italian political economist. Political economy, it is true, is no new subject to Italian intellect; the study of it may almost be said to have originated in Italy: its early cultivators who have left a reputation behind them were generally Italians, and chiefly (we leave the explanation to historians) Southern Italians; indeed, the speculative movement of Italy had for centuries its chief seat in the southern portion of the peninsula, as the political, commercial, and artistic had theirs in the northern. Owing, however, to the general slackening of the intellectual movement in Italy, caused by her unfortunate political situation in the last three centuries, she was outstripped in this as in other departments by more fortunate nations, and it was left to them to originate all the great improvements in this branch of knowledge. But, since restored to freedom, active minds in Italy have not only revived the study of scientific economics, but have placed themselves at once at the most advanced point which that study has yet reached. The work of Mr. Constantine Baer on 'Property and Taxation' shows not only a familiar knowledge of the best English, French, and German authorities, but a mastery of their most improved doctrines not often met with even in England; and along with it, no ordinary degree of the ability required for what is a very different thing from a knowledge of economic truths—the power of applying them. We say this, although we have to add that as regards the specific proposal which the book is written to recommend—a

matter not of principle, but of application—we do not consider it to be successful. But we have seldom seen a greater amount of sound practical argument brought to the support of a conclusion that we think practically unsound. Like everything written on such subjects by a person thoroughly competent in knowledge and ability, whether right or wrong on the particular point in question, the discussion is highly instructive.

Mr. Baer's case is this. The primary requisite of just taxation is that every one should be taxed in proportion to his means (*avere*). There are other requisites, as that taxation should not interfere injuriously with the free employment of labour and capital, that it should give the least possible opening to fraud or arbitrary exaction, and so forth: but the first requisite of all is that it should be equal. Mr. Baer ably confutes the standards different from this which have been or are occasionally professed or acted on; particularly the doctrine, which has a considerable hold on many minds, that persons should be taxed more or less according as they are supposed to benefit more or less by the services of the Government, or according as the services they receive cost more or less to the State.

But the main question is, in what sense is equality of means to be understood? and what constitutes a person's means? They are, according to Mr. Baer, of two descriptions: productive (if he have any such) and unproductive. The former are capital, and land employed as a source of income; the latter is his

income, such parts excepted as he saves and converts into capital. In order, therefore, to reach the whole of his means, we ought to tax his income, and also his land and capital. An income-tax Mr. Baer rejects, and some of the objections to it are stated by him with much force. Income, in his opinion, is best reached by taxes on consumption, imposed on such articles or modes of outlay as can be taxed without interfering with the channels of industry, and as may be considered fair tests of a person's general expenditure: houses, servants, horses, and carriages Mr. Baer considers to be among the best. Capital and land he would tax by a percentage on their money value, which (as he remarks) represents, in the case of capital, only such part of the income from it as is measured by the ordinary rate of interest, and spares all such part as is either compensation for extra risk, or a return for the skill and industry of the possessor. The tax is to extend to property not yielding income, if of a kind admitting of accumulation, such as houses, furniture, pictures, and sculptures. The practical means of levying such a tax are discussed in some detail by Mr. Baer, and he succeeds to a great extent in showing that there are accessible criteria which would in most cases enable it to be assessed with little danger of fraud by the taxpayer, or undue exaction by the receiver, and without harassing inquisition into private affairs; while, at the worst, the evils of this sort would be many times less for a tax on capital, than they necessarily are for taxes on income.

The objection which we have to bring against Mr.

Baer's scheme of taxation will easily be anticipated. The *avere*, or possessions of any one, on which taxation is to be grounded, are estimated by a wrong standard. Taxation is to be proportioned to means ; but a person's means of paying taxes, or of bearing any other burden of a pecuniary nature, do not consist of his capital *and* his income, but of his capital *or* his income. He possesses them both in the sense of legal control, but only one or other of them for the purposes of his own consumption. His capital, so long as it remains capital, is not consumed by himself, but by the workpeople whom he employs, and the producers of his machinery and material : if he diverts it from their use to his own, it ceases to yield him an income. He can consume either his capital or his income, but not both ; and if he is taxed on both, he is taxed twice over on the same means of payment. The maxim that equal means should pay equal taxes has nothing to rest upon unless the means intended are those which are available to pay taxes from. What forms no part of a person's means of expenditure forms no part of his means of paying taxes : while, if he withdraws it from production and employs it as means of expenditure, it pays, while it lasts, additional taxes on expenditure, and so, even in that case, satisfies the claims of financial justice. It is true that though he has no other advantage from his capital while it remains capital, he has a sense of power and importance connected with it ; and in consideration of this it may be thought equitable to make him pay something additional to the

State. But this is departing from the principle of taxation in proportion to means, and introducing another principle, that of distributive justice; it is laying a tax on an advantageous social position—a measure which, if defensible, must be so on moral or political grounds, not on economical.

Notwithstanding, however, the well-grounded objections on the score of justice, in a merely pecuniary point of view, to which a tax on capital is liable, the subject cannot be altogether disregarded by economists and politicians. No tax is in itself absolutely just; the justice or injustice of taxes can only be comparative: if just in the conception, they are never completely so in the application: and it is quite possible that nations may some day be obliged to resort to a moderate tax on all property, as the least unjust mode of raising a part of their revenue. The many injustices of a direct income-tax are generally acknowledged; while perhaps the greatest of all is that which is the least complained of, that it is a tax on conscience, and a premium on deception and improbity. The increase of commercial dishonesty, so much complained of for many years past, was predicted by good judges as the certain effect of Sir Robert Peel's income-tax; and it will never be known for how much of that evil product the tax may be accountable, or in how many cases a false return of income was the first dereliction of pecuniary integrity. Nevertheless, an income-tax is felt to be indispensable on our present financial system, because without it there are actually no means,

recognised by existing opinion, of making the richer classes pay their just share of taxation—a thing which cannot be done by any system of taxes on consumption yet devised. Succession duties are, no doubt, the least objectionable mode of making property, as distinguished from income, contribute directly to the State, and they should be employed as far as practicable; but unless the duty is very light, there is great difficulty in protecting it against evasion. The tax proposed by Mr. Baer may, therefore, some time or other, have to be taken into serious consideration: and should that time come, his remarks on the practical side of the question will be found well worth attending and referring to by those who have to deal with the subject.



PAPERS ON LAND TENURE.

1870—1873.



# PAPERS ON LAND TENURE.

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## EXPLANATORY STATEMENT

OF

## THE PROGRAMME OF THE LAND TENURE REFORM ASSOCIATION.\*

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OF all our leading institutions, none are more unsuited than the Land Laws to the state of society of which the Reform Act of 1867 is the harbinger. Originating in an age when the landholders were

\* *July 1870.*—The following is the Programme :—

I. To remove all Legal and Fiscal Impediments to the Transfer of Land.

II. To secure the abolition of the Law of Primogeniture.

III. To restrict within the narrowest limits the power of Tying up Land.

IV. To claim, for the benefit of the State, the Interception by Taxation of the Future Unearned Increase of the Rent of Land (so far as the same can be ascertained), or a great part of that increase, which is continually taking place, without any effort or outlay by the proprietors, merely through the growth of population and wealth; reserving to owners the option of relinquishing their property to the State at the market value which it may have acquired at the time when this principle may be adopted by the Legislature.

V. To promote a policy of Encouragement to Co-operative Agriculture, through the purchase by the State, from time to time, of Estates

masters of the country, it is no wonder that they should require alteration now, when the country belongs, at least in principle, to the whole of its inhabitants. Our laws relating to land are the remains of a system which, as history tells us, was designed to prop up a ruling class. They were made for the purpose of keeping together the largest possible possessions in

which are in the market, and the Letting of them, under proper regulations, to such Co-operative Associations, as afford sufficient evidence of spontaneity and promise of efficiency.

VI. To promote the Acquisition of Land in a similar manner, to be let to Small Cultivators, on conditions, which, while providing for the proper cultivation of the land, shall secure to the cultivator a durable interest in it.

VII. Lands belonging to the Crown, or to Public Bodies, or Charitable and other Endowments, to be made available for the same purposes, as suitable conditions arise, as well as for the Improvement of the Dwellings of the Working Classes; and no such lands to be suffered (unless in pursuance of the above mentioned ends, or for peculiar and exceptional reasons) to pass into Private hands.

VIII. All Lands now Waste, or requiring an Act of Parliament to authorize their inclosure, to be retained for National Uses: Compensation being made for Manorial rights and rights of Common.

IX. That while it is expedient to bring a large portion of the present Waste Lands under Cultivation for the purposes and on the principles laid down in the preceding articles, it is desirable that the less fertile portions, especially those which are within reach of populous districts, should be retained in a state of wild natural beauty, for the general enjoyment of the community, and encouragement in all classes of healthful rural tastes, and of the higher order of pleasures; also, in order to leave to future generations the decision of their ultimate uses.

X. To obtain for the State the power to take possession (with a view to their preservation) of all Natural Objects, or Artificial Constructions attached to the soil, which are of historical, scientific, or artistic interest, together with so much of the surrounding land as may be thought necessary; the owners being compensated for the value of the land so taken.

the families which owned the land, and by means of it governed the country. So long as those families were not obliged to share power with any other class, or with the people, the Land Laws were in many respects considerably worse than they are now; but what is left of them has still the same object: to contrive that the land of the family shall descend unbroken to the eldest son, and that the owner for the time being shall not be at liberty to defeat this purpose by selling the land. By these means the land has been prevented, to a large extent, from passing out of the hands of the idle into those of the industrious, and its ownership has been retained as the privilege of a small and decreasing number of families.

The removal of these remains of feudality is the object aimed at in the first three articles of the Society's Programme. They hope to be aided in its attainment by all real Liberals, not excepting those who demand changes much more drastic. An active and influential portion of the working classes have adopted the opinion, that private property in land is a mistake, and that the land ought to be resumed, and managed on account of the State, compensation being made to the proprietors. Some of these reformers look with jealousy on any relaxation of the land monopoly, thinking that an increase of the number of landed proprietors would strengthen the obstacles to a general resumption of the land. But even from their point of view, there is another side to the question; since,

(in a country like this, where there is not, as in Ireland and France, an intense competition among the labouring classes for land, raising it far above its reasonable value) whatever brings more land into the market tends to lower its price, and diminishes the amount of compensation which, if the views of these reformers were to prevail, the nation would have to pay to the landowners. Meanwhile, so long as land is private property, whatever facilitates its passing into new hands tends to increase its productiveness, and thereby its usefulness to the nation at large: since those among the owners who are least provided with skill, enterprise, and capital, are those who are under the strongest inducement to sell their land. The Society, therefore, venture to hope that even the most extreme section of land reformers will not reject this first part of their programme; while they are assured of the support, to this extent, of many whose ideas of Land Tenure Reform go no farther.

The Society, however, are not content to stop at this point. They are of opinion that much more is amiss in the present system of landed property than merely the restraints on its alienation. Whether the hitherto fundamental institution of property in land is destined to be permanent, or to disappear, they do not take upon themselves to decide. On this, as on other questions of the distant future, persons of both modes of thinking may consistently give the Society their support. The Society is formed to promote, not the abolition of landed property, but its reform,

and the vindication of those rights of the entire community which need not be, and never ought to have been, waived in favour of the landlords. One of these is the right of laying peculiar taxation on land. Landed property enjoys a special advantage over other property, and for that special advantage it ought to pay. This is the purpose of the Fourth Article of the Programme.

There are some things which, if allowed to be articles of commerce at all, cannot be prevented from being monopolized articles. On all such the State has an acknowledged right to limit the profits. Railways, for instance, are inevitably a monopoly, and the State, accordingly, sets a legal limit to the amount of railway fares. Now, land is one of these natural monopolies. The demand for it, in every prosperous country, is constantly rising, while the land itself is susceptible of but little increase. All such articles, when indispensable to human existence, tend irresistibly to rise in price, with the progress of wealth and population. The rise of the value of land, and of the incomes of landowners, during the present century, has been enormous. Part of it, undoubtedly, has been due to agricultural improvements and the expenditure of capital on the soil. Much of it, however, is merely the result of the increased demand for agricultural products, and for building land, and would have taken place even though no money had been laid out in increasing the productive powers of the soil. Such outlay, moreover, as there has been, was made, in a great proportion of cases, not

by the landlord, but by the tenant, who may or may not have been indemnified by a temporary enjoyment of the profits; but, sooner or later, the increased return produced by the tenant's capital has become an unearned addition to the income of the landlord.

The Society are of opinion that in allowing the land to become private property, the State ought to have reserved to itself this accession of income, and that lapse of time does not extinguish this right, whatever claim to compensation it may establish in favour of the landowners. The land is the original inheritance of all mankind. The usual, and by far the best argument for its appropriation by individuals is, that private ownership gives the strongest motive for making the soil yield the greatest possible produce. But this argument is only valid for leaving to the owner the full enjoyment of whatever value he adds to the land by his own exertions and expenditure. There is no similar reason for allowing him to appropriate an increase of value to which he has contributed nothing, but which accrues to him from the general growth of society, that is to say, not from his own labour or expenditure, but from that of other people—of the community at large.

The Society do not propose to disturb the landowners in their past acquisitions. But they assert the right of the State to all such accessions of income in the future. Whatever value the land may have acquired at the time when the principle they contend for shall obtain the assent of Parliament, they do



not propose to interfere with. If, rather than submit to be specially taxed on the future increase of his rent, a landowner prefers to relinquish his land to the State, the Society are willing that the State should pay for it at its selling value. By this provision, all his just claims will be fully satisfied, while the bargain will still be highly advantageous to the nation, since an individual never gives, in present money, for a remote profit, anything like what that profit is worth to the State, which is immortal. In this manner, that increase of wealth which now flows into the coffers of private persons from the mere progress of society, and not from their own merits or sacrifices, will be gradually, and in an increasing proportion, diverted from them to the nation as a whole, from whose collective exertions and sacrifices it really proceeds. The State will receive the entire rent of the lands voluntarily sold to it by their possessors, together with a tax on the future increase of rent on those properties whose owners have sufficient confidence in the justice and moderation of the State to prefer retaining them. These owners should be allowed at any future period to alter their minds, and give up their lands for the price first offered; or more, if they can show that they have made, during the intervening period, substantial improvements at their own cost. The option thus allowed would be a permanent security to the landowners against any unjust or excessive exercise of the right of taxation by the State.

Objections have been made to the taxation of a

prospective increase of rent, on the ground of difficulties of execution; but those difficulties, fairly encountered, would not, it is conceived, be very serious. It is not necessary to enforce the right of the State to the utmost farthing. A large margin should be allowed for possible miscalculation. A valuation of all the land in the country would be made in the first instance, and a registration established of subsequent improvements made by the landlord. Taxation would not commence until there had been time for an increase of value to accrue, and should then be kept carefully within the amount of increase due to general causes. If a landowner could prove that, owing to special circumstances, his estate had not shared in the general rise of value, he would be exempt from the tax: and at all events, if the just limit was exceeded, the power of surrendering the land at its original valuation, augmented by a just compensation for subsequent improvements, would be a sufficient protection to the pecuniary interests of the landlords.

This reassertion of the right of the State to lay special taxation, within the limits now specified, on the rent of land, is the extent of the claim made by the Society, in behalf of the nation, upon the lands which have been permitted to become the patrimony of private families. But there is another large portion of the lands of the country which are not yet private property, and to these the Society demands that the right of the nation be henceforth maintained.

As much of the original right of the whole people to the land as the nation has already parted with to individuals, the programme of the Association leaves to those who have it. But they decidedly object to parting with any more. They demand that the practice of converting public property into private should henceforth terminate.

There are, in the first place, what are called the common lands. These are said to belong to the lord of the manor. But they are not his like his private estate—to deal with as he pleases. They are not his for the principal purpose to which land is applicable—that of cultivation. Even their spontaneous produce does not belong to him exclusively. The game is his, and the game is nearly the only thing found on them that is his. The natural pasture, and the wood which grows wild on the land, he shares with those of his neighbours who have rights of common; and if he wants to bring the land into cultivation, he must apply to the Inclosure Commissioners, who obtain for him an Act of Parliament. This Act of Parliament divides the land between him and the adjacent landowners, who alone, in rural districts, except by special grant from the lord of the manor, are considered to have rights of common; and neither tenants nor cottagers, save in quite exceptional cases, obtain any compensation, unless that name is given to the miserable reservation of a few acres for recreation ground or cottage allotments. The Society regard this disposal of the common lands as an iniquity, and

demand that it should entirely cease. The demand is no infringement of private property. Neither the lord of the manor nor the neighbouring landowners are entitled to a farthing more than the value of what the land yields to them in its wild state. The Society are willing to respect existing possession, but they protest against making a fresh gift from the nation to its wealthiest members. If free gifts are to be made at all, they should at least be reserved for those who need them.

When the State thinks fit to exercise its right to these waste lands, the lord of the manor should be compensated for his manorial rights, and the commoners for their rights of common, at the existing value, and the land either kept open for the enjoyment of the people or cultivated for their use. The Society attach great importance to keeping open extensive tracts in a state of wild natural beauty and freedom; and a large portion of the waste lands of the country are of too poor a quality to be worth much for any other purpose. When the land is worth cultivation, and the wants of society require that it should be cultivated, the mode of bringing it into cultivation should be principally determined by the interest of the labouring classes. Were it desirable to give any further extension to private property in land, those classes would have a paramount claim to be admitted to a share in it, by the grant of the land in small parcels to respectable agricultural labourers at a fixed rent. But if, as is, perhaps, more to be

expected, the opinion prevails that any further permanent alienation of the land is undesirable, these lands will remain with the State, or with local authorities, as a means of trying, with the greatest advantage and under every variety of circumstances, the modes in which land can be most successfully managed on the public account—whether by capitalist farmers, with stipulations for the benefit of the labourers, or by long leases on proper conditions to small cultivators, or finally, by co-operative farming.

A still more valuable resource than the common lands consists of the land owned by public bodies and endowed institutions. These possessions are not, in any sense whatever, private property. No one of those who profit by them has more than a life interest, most have not so much, and their interests can be bought up, or suffered to expire. All enlightened reformers acknowledge the moral distinction between private property and public endowments; and it is now an admitted doctrine among Liberals, that endowments, after a certain length of duration, are at the disposal of the State, which from that time should fix their destination. Many endowments are positively mischievous, and ought to be extinguished. Others, especially educational endowments, are highly useful, and under better management will, it may be hoped, become more so; and many, now worthless from abuse, only require to be properly looked after. A portion of the lands of the country, much larger and more valuable than the public in general are

aware of, is thus at the disposal of the State. It can keep those lands together, and administer them either for the objects to which they are appropriated, or for such other objects as may be considered preferable, and permit them to be leased or occupied on such terms as it thinks fit by individuals or associations. It may, without injustice or detriment to any one, make use of them for any well-considered social or philanthropic experiments. Among the lands thus disposable is the soil of large portions of our great towns, and particularly of London. It is obvious what facilities their possession would give for promoting every improvement that tends to raise the condition of the mass of the people: sanitary works, improved dwellings, public gardens, co-operative buildings, co-operative agriculture, useful public institutions of every kind.\*

\* There are some who think it a useful provision for the public interest that individuals should have the power to buy land as an investment, with an express view to obtaining, through its rise in value, a future provision for their family at a comparatively moderate present expense. It is thought that this power, in the hands of individuals, causes an earlier use to be made, through private foresight, of situations advantageous for building or for industrial purposes, than would otherwise be the case; and that of this foresight it is just that the individuals should reap the benefit. But in answer to this it should be considered, that it would be the duty of the Land Department of the State to exercise for its benefit the foresight now exercised by individuals for theirs. Neither would the benefits of individual sagacity be lost to the community; since the person who first perceived the advantageous use to which a piece of land might be put, would, if he could not acquire the absolute property, have the resource of applying to the Land Department for a long lease; which there need be no doubt that in such cases it would be the policy of the State to grant.

These important reforms are the object of the 7th, 8th, and 9th articles of the Programme. But inasmuch as the waste lands, and the lands belonging to public bodies, are irregularly and unequally distributed through the country; and the means which they afford, as well for executing recognised improvements, as for bringing to an experimental test such as are yet untried, ought not to be confined to some neighbourhoods, but should exist in all parts of the country; it is therefore provided, by the 5th and 6th articles, that the State should purchase from private owners estates which are in the market, when such purchase is necessary for giving a fair trial in any neighbourhood to co-operative agriculture, or to a properly regulated system of small farming.

The 10th article of the Programme requires no explanation. It is contrary to all principle that private proprietors, who may be, and often are, liberal and enlightened, but who may, on the contrary, be the most ignorant and capricious of mankind, should have the power of destroying, or of closing from public view, natural curiosities, or monuments and historical relics, of the greatest value to science, to history, and to the instruction and enjoyment of every person in the country who has sufficient knowledge and intelligence to appreciate their value.

SPEECH  
ON  
LAND TENURE REFORM.

*Delivered 15th May, 1871.*

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AFTER the great changes that have been made in our political constitution it is impossible that the laws relating to landed property should not come up for revision. It is a rule, to which history as yet furnishes few exceptions, that nations are governed by their landed proprietors. At all events, they have ruled this country; not despotically, for the people, in the last five centuries, have always had some share in the government; but the landlords, and those who looked forward to being landlords, have had the command of Parliament up to the last Reform Act, and still wield enormous power. The making of the laws which concern themselves has been in their own hands; and they have used the power as people generally do use power, for the promotion chiefly of their own objects. I do not charge them with any special perversity, or with being worse in any respect than people usually are. They shared the common infirmity of human nature, which it requires a rare strength of character to overcome. It must be said



also of our landed classes of the present and of recent times, that they did not make these selfish laws, but inherited them. Their own minds were enslaved by traditional notions handed down from ancestors more overbearing, more tyrannical, less capable of understanding the rights of other people, than any one is now. We ought to feel the greatest indulgence for the difficulty they have in freeing themselves from these mental trammels; and we should make our appeal, not only to the public, but to the more high-minded and open-minded of the landowners themselves, of whom there are a great number, to use their minds on these questions, and help us to get rid of the effects of past injustice.

For the injustice, truly, was great. I pass over the original title by which landed property was acquired, which we know, in this country, was for the most part foreign conquest. Nor need I expatiate on the slavery, or serfdom, in which the rural population were kept for so many centuries; for that has long been at an end. I confine myself to evils which are still unremedied, and I remark that the land was formerly held subject to the obligation of personal service in time of war, and many burdensome dues of the Crown in time of peace, from all of which, in the reign of Charles II., the landlords relieved themselves; and what did they grant to the Crown instead? An excise on beer. Soon after this came the Revolution of 1688, which, among other characteristics, had one not sufficiently noticed by historians; it was a revo-

lution made by the towns against the country gentlemen. One of the fruits of it was a tax on the land, of 4s. in the pound, which at that time may have been considered an equivalent for the burdens which had been taken off the landlords. But the lands were rated to the tax at a fixed valuation, made by the landlords to begin with, and which, in spite of the enormous increase in the value of land, has never since been raised; so that the nominal 4s. does not now exceed a real 1s., while on the vast town properties which have been created by the extension of building it is often only a fraction of a penny.

That is the first great wrong done to the nation by the landed interest. The second is this:—The rights of landed proprietors were in many cases legally limited by rights of common enjoyed by the neighbouring inhabitants. These rights the landlords have been gradually absorbing; formerly, often by downright usurpation; latterly, by the machinery of private Acts of Parliament and the Enclosure Commissioners; and they are even now pursuing the same course, dividing among themselves every year thousands of acres which ought to be left open for the enjoyment or cultivated for the benefit of the people. While this process of absorption has been going on, a set of laws have been in force, made by the landlords, and intended to make sure that no land which once got within their grip should ever get out of it. The laws of landed tenure have been contrived for the purpose of keeping together the largest possible landed

possessions in the families which already hold the land; and though these laws have been considerably relaxed in the progress of improvement, such is still their practical effect. So much are the power and dignity of the class the first object, that to it are sacrificed the interests and wishes of the very persons who for the time being represent the class. When land is in settlement, as most land is, the landowner has only a life interest in what is called his property; he can neither sell it, nor bequeath it, nor even grant leases exceeding, I believe, 21 years. The landlord himself is denied the full use of the land, for fear that some of it should go out of the family into other hands.

It is time that this mode of dealing with landed property, as if it existed for the power and dignity of the proprietary class and not for the general good, should henceforth cease. This Association acknowledges no other legitimate end of landed property than the interest we all have in the proper application of the land to the wants of the human race. The Association recognizes no rights to land that are not subordinate to this: and they have inscribed in their programme a series of measures intended to bring back landed property to this its rightful purpose.

Some of the articles of our programme it is sufficient just to mention, because, though very important, they are of so moderate a character that they hardly need any justification. For example, it is quite unnecessary

that I should say anything against the law of primogeniture, for that is sure to go. The present Government have taken that task upon themselves. Something must be said about the laws of settlement and entail, by which land can be settled on a series of persons one after another, ending with one who is perhaps unborn, and until this unborn child comes of age the land cannot be sold, nor any change be made in the order of descent. Now, whether any other kind of property, in the funds for instance, should be allowed to be bequeathed in this manner, need not now be considered; but the land is too precious to the whole community to be detained by legal fetters in the hands of those who cannot make the best use of it. Land tied up from alienation stagnates in the hands of the idler, the spendthrift, the incapable; allow it to be sold, and they are soon obliged to part with it to the skilful, the energetic, the enterprising. If the law allows land to be private property, it should be as marketable a commodity, sold and bought with as little restriction, as any article of commerce. This was an object very dear to Mr. Cobden, who thought that free trade in land would end by bringing a great part of the land into the hands of the people: and many excellent persons, of strong popular sympathies, go thus far, who have not yet been able to reconcile themselves to going with us any further. I will say no more on this point, as I have to speak of others which require explanation much more.

We hold that all property in land is subject to the

will of the State. This is the broad principle on which our claims are founded, and which, as long as it is confined to theory, few will dispute. Land—and by land I mean the whole material of the earth, underground as well as above—not having been made by man, but being the gift of nature to the whole human race, could only be appropriated by the consent, either express or tacit, of society: and society remains the interpreter of its own permission; with power to make conditions, with power even to revoke its consent, on giving due compensation to the interests that it has allowed to grow up. There is an Association, known as the Land and Labour League, which maintains that society ought to exert this extreme right. According to them, all the land of the country should be nationalized, and the rents paid into the Exchequer, compensation being made to the proprietors. This opinion the Land Tenure Reform Association does not as a body adopt. Many members of the Land and Labour League, waiving differences of opinion, are members also of this Association, but it contains many other members who are of a contrary opinion. Speaking for myself individually, I should say that the thing might rightfully be done, if it were expedient to do it, and I do not know that it may not be reserved for us in the future; but at present I decidedly do not think it expedient. I have so poor an opinion of State management, or municipal management either, that I am afraid many years would elapse before the revenue realized for the

State would be sufficient to pay the indemnity which would be justly claimed by the dispossessed proprietors. It requires, I fear, a greater degree of public virtue and public intelligence than has yet been attained to administer all the land of a country like this on the public account. The administration of the waste lands is as much, I think, as we are at present equal to. At all events, I think we had better make a beginning with that, and give a thorough trial to collective before we substitute it for individual management. And since I have been led to speak of the waste lands, I will next explain that part of the society's programme which concerns them.

The greatest stickler for the rights of property will hardly deny that if land, the gift of nature to us all, is allowed to be the private property of some of us, it is in order that it may be cultivated. Every defence of the institution of landed property that I have met with, declares that to be its object. Why, then, should any land be appropriated that is not cultivated? Observe, by cultivated, I do not mean ploughed up. Pasturage is as necessary, in this country even more necessary, than corn land; and woodland is necessary too. I do not make war against parks; they are already very productive pasturage, almost the best sheep pastures we have; and the extreme beauty of many of them, a kind of beauty found in no country but this, and which is our chief compensation for the paleness of our sun and sky, should make us prize them as a national benefit. I should be sorry to see

the trees cut down, and the ground laid out as farms are laid out now, in ugly squares of cornfield, without even hedgerows to separate them. I own, however, that I do not think the possessors should have power to bar out the public from the sight and enjoyment of this beauty. With reasonable reservation for privacy, I think that parks should be open to the public, as, to the credit of the owners, many are now. But what we are at present concerned with is the wastes, —the really wild lands, which are still as nature left them, producing nothing except wild animals and spontaneous vegetation. Now, I don't say that it was wrong not to cultivate these lands. I don't say that all of them ought to be cultivated now; but I say that, cultivated or not, they ought to belong to the nation. If a common is not to be cultivated, why should any man be allowed to put a fence round it and exclude the rest of the world? If it is to be cultivated, what excuse is there for dividing it among the landowners, instead of keeping it for the people? Even if some landlord had a legal right to cultivate it, a right not used for so many centuries has fairly lapsed by disuse. But in general nobody has the right, and whoever wishes to cultivate must ask permission from Parliament. What has kept some good lands uncultivated is that a great many persons have rights of common, entitling them to use the spontaneous produce. When the lord of the manor and all the commoners agree, they can divide the land among themselves and enclose it. Fortunately, a

single public-spirited commoner, refusing his consent, can frustrate this beautiful arrangement; and in this way, quite recently, Berkhamstead and Plumstead and other commons have been saved. When the commoners do not all consent, or when there are too many of them to be bought out one by one, application is made to the Enclosure Commissioners, who put the common into their annual Bill and divide it among the landholders. As the 30,000 persons who share among them the cultivated soil of this island have not yet, as it appears, got land enough, Parliament throws in every year many thousand acres more, to which it is not even pretended that they have a right.

And observe at whose cost this has been done. The rural labourers had once (it was a long time ago) a very substantial benefit from the waste lands. Most of them occupied cottages on or near some common or green, and could feed a cow or a few geese upon it. The cottager had then something, though it was but little, that he could call his own; he did not absolutely depend for daily food on daily wages or parish assistance: when the common was taken away he had to sell his cow or his geese, and sink into the dependent, degraded condition of an English agricultural labourer. He often got no compensation: when he did, if it was even a little bit of the land, he was soon cheated out of it or persuaded to sell it, the money was quickly spent, and his children were no better for it. They would have been much better for



the cow and the geese. In modern Enclosure Bills there are sometimes, though by no means always, a few wretched acres reserved for recreation ground and garden allotments; by which last phrase are meant small patches of ground, not given to the labourers, but which they are allowed to hire at enormous rents. There is now before the House of Commons a Bill brought in by the Government, which professes to be a reform of this system. And what does the Bill say? It says that in future, when a common is enclosed, a tenth part of it shall be reserved for recreation and allotments—provided that this tenth does not exceed 50 acres. More than 50 acres are not to be reserved on any account, not even if the Enclosure Commissioners should do so unheard-of a thing as to propose it. Fifty acres, out of sometimes 1,500 or 2,000. Fifty acres for the people; all the rest for the 30,000. What a state of things it must be when such a proposal as this is called, and really is, an improvement!

The Land Tenure Reform Association invite the public to join in uncompromising opposition to this system. We demand, not fewer enclosures or larger reservations, but no more enclosures at all, unless for the benefit of the people. Let lords of manors and commoners receive a money equivalent for the profits they now derive from their rights in the land, and let the land itself be vested in some public authority in trust for the nation. The first thing to be done is what was proposed in the House of Com-

mons by Mr. Winterbotham—let us hope that, now when he is in the Government, he will endeavour to obtain it for us—a general survey of the waste lands. When it has been made known what they are, their quantity, their quality, and their situation, then appoint a Commission to consider and report what portion of them should be kept open for the enjoyment of the lovers of natural freedom and beauty, and what part should be cultivated for the benefit, not of the rich, but of the poor. And let the first thought be for the most depressed part of our working population, the wretchedly paid, downtrodden, semi-pauperised, agricultural labourers. The experience of allotments has shown how much the occupation of land, even on the most extortionate terms, can do for these neglected creatures. The allotments are generally the worst land in the parish, but the produce they raise from it is prodigious, and enables them to pay exorbitant rents. Let them have it at rents that are not exorbitant: and when they have had it long enough to show that they are capable of managing it properly, let them have long leases at fixed rents; and when a labourer has shown that he knows how to make good use of a little land, give him more. When possible, make the engagements with associations of labourers, combining their labour, that the great principle of co-operative industry may have a fair trial on the land. By these improvements, honestly conducted by persons who desire their success, a new life may be breathed into our unfortunate

agricultural population, while a fair share of the value given to the lands by reclamation would go in relief of the general taxation of the country.

But the commons are not the only lands in the kingdom which have as yet been kept out of private hands. There are also the great estates of public bodies and endowed institutions. Of all the abuses and malversations in the management of public matters in this country, the abuses of endowments are the most flagrant. It begins to be felt that the whole of them ought to be taken in hand by the nation and thoroughly reformed; and a thorough reform in most cases means that their lands should either be managed for them by the State, or taken away altogether, such of them as are fit to be continued receiving money endowments instead. If this were done, a great extent of landed possessions would be at the disposal of the nation; and with all the defects of State management, management by endowed institutions is generally so much worse, that even after giving them full compensation, to which many of them are by no means entitled, a considerable surplus would probably be realised for the State. Much of this is town property; a distinguished member of this association, who knows the subject officially, can tell you, that one may walk for several miles across London without once taking his foot off the property of some endowed institution. I have seen it estimated that a fifth part of London belongs to them. It is well known how great a hindrance the obstinate selfishness of the owners of house

property opposes to that most urgent reform, the improvement of the dwellings of the working classes. If those lands were resumed, what facilities would be afforded for that, as well as for open spaces, public gardens, co-operative buildings, useful public institutions, sanitary measures, and generally for all improvements that are beneficial to the poorer classes.

These are our purposes with regard to the lands which are not yet swallowed up in the possessions of private individuals. It remains to tell you what we propose respecting lands which belong to private owners.

The Association does not propose to resume these lands, nor to take from the holders by a forced sale any part of the value which they have already acquired. We leave undisturbed present possessions. But there is an incident of landed property which goes beyond present possession, and which we do not feel bound to respect. Land is limited in quantity, while the demand for it, in a prosperous country, is constantly increasing. The rent, therefore, and the price, which depends on the rent, progressively rises, not through the exertion or expenditure of the owners, to which we should not object, but by the mere growth of wealth and population. The incomes of landowners are rising while they are sleeping, through the general prosperity produced by the labour and outlay of other people. Some people ask—But why single out the land? Does not all property rise in value with the increase of prosperity? I answer, no. All other

property fluctuates in value, now up, now down. I defy anyone to show any kind of property, not partaking of the soil, and sufficiently important to be worth considering, which tends steadily upward, without anything being done by the owners to give it increased value. So far from it, that the other of the two kinds of property that yield income, namely capital, instead of increasing, actually diminishes in value as society advances; the poorer the country, or the further back we go in history, the higher we find the interest of money to be. Land alone—using land as a general term for the whole material of the earth—has the privilege of steadily rising in value from natural causes; and the reason is that land is strictly limited in quantity: the supply does not increase to meet the constant increase of demand. The Land Tenure Reform Association see no grounds of justice upon which this surplus value, the creation of society itself, should be abandoned to the landholders. We think it, for example, consummately unreasonable that because certain families, or their progenitors two or three generations ago, happened to own land over which this great capital, or other large towns, have since extended themselves, the estates of these families should now be worth millions of money, to which they have contributed nothing either in work or expenditure except signing leases. Well would it have been if this diversion of the public wealth had been foreseen and guarded against long ago: let us at least prevent any more gigantic fortunes from being built

up in a similar manner. The Association claims for the State the right to impose special taxation upon the land, equivalent to its special advantage. Some writers and others, who do not know the meaning of words, call this confiscation; although we tell them that if any landlord objects to it, we are ready to hold him harmless, by taking the land off his hands at its present selling price. This is all he would have been entitled to if his land had been taken for a railroad; and if this is confiscation, every Railway Act is confiscation too. For my part, I am well convinced that landlords will prefer to retain their land even on the altered conditions. But if any landlord finds that the State does him an injustice, by laying on a tax more than equivalent to the natural increase of his rent, we leave the original offer still open; he may at any time avail himself of it, by accepting the sum first tendered, with the addition of compensation for any improvement made in the meantime by himself.

By this reform, if the country remains prosperous, a considerable revenue will in time be obtained by the State from the increased value of land. It would not begin to come in immediately, because time must be allowed for the increased value to accrue. But I see no reason why the State should not grant, to any landlord who desires it, a lease of its prospective rights; allowing him to free himself for life, or for a term of years, from the claim of the State on the increase of his rental, by paying during that period a fixed annual sum; whereby the State would obtain a

part of the pecuniary benefit at once. Or he might commute the claim for an extra succession duty on any vacancy that occurred within the term.

These are the principles and the proposals of the Land Tenure Reform Association. There are persons to whom these measures appear extremely audacious and subversive. I expect rather that those who come after us may think our proposals very moderate and timid. For it is easy to foresee that this country, and all Europe, are entering upon an era in which they will have to discuss novelties far more alarming, and which will kindle much fiercer passions than these. To confine myself to the subject of land, the idea of an entire abolition of landed property is taking a strong hold on an active and stirring portion of the working classes. Ours is an honest attempt to find a middle ground of compromise, which, avoiding individual injustice, and sparing past acquisitions, shall maintain the right of the entire community to all that it has not yet parted with, and finally close the door to any further private appropriation of what should belong to the public. It does not seem to me that this is too much for the landed interest to concede; and less than this there is not the smallest chance that the working classes will long accept. Even those who take the most unfavourable view of the changes in our social arrangements which are demanded with increasing energy in behalf of the working classes, would be wise to consider that when claims are made which are partly just and partly

beyond the bounds of justice, it is no less politic than honest to concede with a good will all that is just, and take their defensive stand on the line, if they are able to find it, which separates justice from injustice.



## ADVICE TO LAND REFORMERS.\*

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NOW, when the question of the constitution and limits of property in land has fairly come to the front, and a majority of Liberal politicians find it needful to include in their programme some improvement in the existing arrangements on that subject, it is time to consider which among the minor modifications that alone find favour with the more timid or more cautious innovators deserve to be supported by those who desire greater changes, and which are those that should be opposed, either as giving a renewed sanction to wrong principles, or as raising up new private interests hostile to a thorough reform. There are at present two proposals affecting property in land which engage a considerable and increasing amount of public attention : one, the abrogation of the right of primogeniture, and the abolition or great restriction of the power of making settlements of land ; the other, that corporations and endowed institutions should be required to sell their lands, and invest the proceeds in the funds or other public securities. The difference between these two projects affords an illustration of the principles which, we think, should

\* *Examiner*, Jan. 4 and 11, 1873.

guide the judgment of land tenure reformers in matters of this nature. The former of the two is, in our opinion, entitled to their full support; the latter should be strenuously resisted by them.

Before proceeding farther, it is right to explain whom we mean by land tenure reformers. On so new a question there are naturally many shades of opinion. There are some with whose plans we agree, others from whom we differ; we address ourselves equally to both. There are those who aim at what is called the nationalisation of the land; the substitution of collective for individual property in the soil, with reasonable compensation to the landowners. Their doctrine is far from being so irrational as is pretended; they have much to say for themselves. Nor is theirs a wholly untried theory. It has the feudal traditions, and the general practice of the East, on its side. Nevertheless, for reasons which we shall have many opportunities of stating, we are decidedly of opinion that, whatever may possibly be the case in a distant future, this scheme is altogether unsuited to the present time. But, short of this, there are modifications of the rights of landed property of a more or less fundamental character, which have already numerous supporters, and are likely, as we believe, before long to become widely popular. There is the principle asserted by the Land Tenure Reform Association; that, inasmuch as land in a prosperous country brings in a constantly increasing income to its owner, apart from any exertion or expenditure on his part, it may and ought to

be subjected to special taxation in virtue of that increase. Again, it is maintained that, inasmuch as the acknowledged end for which land is allowed to be appropriated, is that it may be made more productive, the right of property ought not to extend to that which remains unproductive : and that if large tracts of land are kept in a wild state by their owners, either for purposes of amusement, or because they cannot be let at a rent (though they might amply remunerate a labourer cultivating for himself) the State should resume them, paying only their present value. Again, there might be a limit set to the extent of territory which could be held by a single proprietor. Many other changes might be proposed, more or less extensive, more or less expedient, but all compatible with the maintenance of the institution of landed property in its broad outlines. Now, the reforms which are proposed on the subject of primogeniture, and of entails and settlements, are of a different character. Instead of limiting, they would increase the power over the land of the existing generation of land-owners ; and accordingly, the supporters of more drastic changes are much divided as to whether these particular measures ought or ought not to be supported.

Among the reasons for getting rid of the law of primogeniture and the existing laws of entail and settlement, the one which we oftenest hear, and which carries most weight with many of the assailants of those laws, is that by keeping land out of the market

they detain it in too few hands, and that their abolition would increase the number of landed proprietors. The long and obstinate prejudice which existed against peasant properties, grounded on the densest ignorance of their actual operation in the countries where they prevail, has given way before more correct information. Those who fancied that peasant proprietors must be wretched cultivators because cottier tenants are so, have learnt that some of the best agriculture in the world is to be found where such properties abound: those who thought that peasant proprietorship breeds over-population, and converts a country into a "pauper-warren," now know that its tendency is rather towards the other extreme. Within a few years, therefore, the existence of peasant properties has come to be regarded by English philanthropists as eminently desirable, and the removal of all obstacles to it has become an aim of advanced politicians; and primogeniture and entail being such obstacles, their abolition is advocated on that ground. But it has come to pass that the same thing which recommends this measure to one class of land reformers, renders another class worse than indifferent to it. Multiplication of proprietors is not the kind of reform which finds favour with a large section of the more thoroughgoing land reformers. Many of them believe that an addition to the number of private owners of land is but an addition to the number of the enemies of the larger changes which they meditate. They think, and in this they are not mistaken, that the wide diffusion of landed property in some

Continental countries, and especially in France, is in these countries the great obstacle to any improvement in the conditions of ownership: and they look with no good will on anything which tends, in ever so small a degree, to approximate, in this respect, the British state of things to the French.

We agree, to a considerable extent, with the general views on which this judgment is grounded; but we do not think that the question of abolishing primogeniture and entail is a case for their application. Whether the creation of a class of peasant-proprietors would be a good thing or a bad, we are of opinion that the reforms in question would not have that effect; while they would produce benefits which, even from the exclusive point of view of the land-reformers, might well outweigh some amount of the inconvenience they apprehend.

To what extent these measures would practically operate in causing land to be brought into the market, it is very difficult at present to foresee; but there is no probability that, of such as might be sold, much would come into the hands of small proprietors. As long as the private wealth of the country and its social condition are what they are, the rich will always outbid the poor in the land market. We are speaking, of course, of rural land, of which alone the possession is an object of desire to the wealthy classes. Land in towns, or so close to them as to be available for streets, might often obtain a higher price in small lots; such lots as would enable prudent and economical working

people to become the owners of the houses they live in ; which we hold to be an unqualified good : nor is it likely that even the most extreme plans of land reform would disturb such persons in the possession. The land of the country at large outside the towns might possibly come to be shared among a greater number of rich families than at present ; but sales by the rich to the rich do not really add to the number of those whose interests and feelings are engaged on the side of landlordism ; for the rich who wish to be landlords are already as much wedded to landlord privileges as they would be when they actually became so. Reformers, therefore, either moderate or extreme, need have no fear that the facilitation of the sale of land already appropriated should raise up additional obstacles to their projects.

On the other hand, the measures in question would be attended with no small amount of positive benefit. In the first place, whatever transfers of landed property might really be occasioned by these changes would be in the direction of agricultural improvement. True it is that, according to the present ideas of landed property, landlords are neither required nor expected to do anything for the land ; but some landlords are more disposed to do so than others ; and the purchasers are almost always a more improving class of land-owners than those from whom they purchase. It is the capitalist and man of business who buys ; it is the needy and the spendthrift who sell. The whole tendency is thus to improve the cultivation and increase

the produce of the country. But there is a still greater benefit than this, and one which is often not sufficiently appreciated. The *principle* of the laws of primogeniture and entail is radically wrong; and to get rid of a bad principle, and put a better in its place, is equivalent to a very considerable amount of practical gain. The preference of one child above all the rest, without any superiority of personal claims, is an injustice. The power given to an owner of property to exercise control over it after it has passed into the hands of those to whom it devolves on his death, is, as a rule (with certain obvious exceptions), both an injustice and an absurdity. Moreover, the end for which these institutions are kept up ought to be their sufficient condemnation in the eyes of advanced reformers. The purpose of their existence is to retain the land, not only in the families which now possess it, but in a certain line of succession within those families, from eldest son to eldest son. They are a contrivance for maintaining an aristocratical order in unimpaired territorial wealth from generation to generation, in spite of the faults which its existing members may commit, and at the sacrifice both of justice between the heir and the other children, and of the interest which all the existing members of the family may have in selling the land. The aristocratic spirit, more powerful than the personal interest of each living member of the body, postpones the private wishes of the existing generation to the interest of the order in maintaining an aristocratic monopoly of the

land. The possession of the land is the centre round which aristocratic feeling revolves; and the removal of the two props of the monopoly, though its immediate practical effect would probably be small, should be welcome to all who wish to dissolve the connection between landed property and aristocratic institutions.

We think, then, that all land reformers, whatever may be their ulterior views, should unite in supporting the abrogation of the law of primogeniture and the reform of the law of settlement. We must reserve for another article our reasons for thinking quite otherwise of the proposal recently broached (and which has derived importance from the strong advocacy of the *Times* and from the interpretation put upon a speech of Mr. Goschen) for requiring all corporate bodies and endowed institutions to part with their lands by sale to private individuals.

A considerable sensation seems to have been excited by the quite unexpected appearance a few weeks ago, in the *Times*, of two articles strenuously contending that corporate bodies and endowed institutions should no longer be permitted to withhold land from the market, and that the principle of the Mortmain Acts should be so far extended as to compel all such bodies or institutions to sell their lands and invest the proceeds in Government securities. The coincidence of this manifestation by the *Times* with a speech of Mr. Goschen, some expressions in which were supposed to point to a similar conclusion, has led to a



suspicion that the Government is throwing out feelers preparatory to some actual proposal of the kind suggested. And the papers that are bitterly hostile to the present Government, whenever its political and social policy is other than that of keeping things as they are, have not missed the opportunity of upbraiding the Government with making an unworthy concession to the land tenure reformers, who are represented as grasping at the opportunity of attacking landed property at its most easily assailable point.

It is an odd supposition that reformers who are asserted to have, and some of whom really have, for their object the extinguishing of private and hereditary landed property altogether, desire to begin their operations by making a great mass of landed property private and hereditary which was not so before. Nothing could be more opposed to the principles and purposes of thorough-going land tenure reformers of every shade of opinion, than any further conversion of what is still, in some sense, a kind of public property, into private. The point on which they are all agreed, whether they desire anything further or not, is that, at all events, the appropriation of the land of the country by private individuals and families has gone far enough; and that a determined resistance should be made to any further extension of it, either by the stealing, euphemistically termed the inclosure, of commons, or by the alienation of lands held upon trust for public or semi-public objects. Far from

allowing any land which is not already private property to become so, the most moderate of these land reformers think that it may possibly be expedient, in districts where land not already appropriated does not abound, to redeem some part of that which is in private hands, by repurchasing it on account of the State.

Those countries are fortunate, or would be fortunate if decently governed, in which, as in a great part of the East, the land has not been allowed to become the permanent property of individuals, and the State consequently is the sole landlord. So far as the public expenditure is covered by the proceeds of the land, those countries are untaxed; for it is the same thing as being untaxed, to pay to the State only what would have to be paid to private landlords if the land were appropriated. The principle that the land belongs to the Sovereign, and that the expenses of government should be defrayed by it, is recognised in the theory of our own ancient institutions. The nearest thing to an absolute proprietor whom our laws know of is the freeholder, who is a tenant of the Crown; bound originally to personal service, in the field or at the plough, and, when that obligation was remitted, subject to a land tax intended to be equivalent to it. The first claim of the State has been foregone; the second has for two centuries been successfully evaded: but the original wrongdoers have been so long in their graves, and so much of the land has come into the hands of new possessors, who have bought it with their earnings at a price calculated on the unjust exemption,

that the resumption of the land without indemnity would be correcting one injustice by another, while, if weighted with due compensation, it would be a measure of very doubtful profit to the State. But, though the State cannot replace itself in the fortunate condition in which it would now have been if it had reserved to itself from the beginning the whole rent of the land, this is no reason why it should go on committing the same mistake, and deprive itself of that natural increase of the rent which the possessors derive from the mere progress of wealth and population, without any exertion or sacrifice of their own. If the Grosvenor, Portman, and Portland estates belonged to the municipality of London, the gigantic incomes of those estates would probably suffice for the whole expense of the local government of the capital. But these gigantic incomes are still swelling; by the growth of London they may again be doubled, in as short a time as they have doubled already: and what have the possessors done, that this increase of wealth, produced by other people's labour and enterprise, should fall into their mouths as they sleep, instead of being applied to the public necessities of those who created it? It is maintained, therefore, by land reformers, that special taxation may justly be levied upon landed property, up to, though not exceeding, this unearned increase; excess being guarded against by leaving the possessors free to cede their land to the State at the price they could sell it for at the time when the tax is imposed, but no higher price to be

claimable on account of any increase of value afterwards, unless proved to have been the effect of improvements made at the landlord's expense. Now, if the nation would be justified in thus reasserting its claim to the unearned increase of value, even when it has allowed the legal right to that increase to pass into the hands of individuals ; how much more ought it to prevent further legal rights of this description from being acquired by those who do not now possess them ? The landed estates of public bodies are not family property ; the interest that any individual has in them is never more than a life interest, often much less ; the increase of value by lapse of time would go to enrich nobody knows whom, and its appropriation by the State would give no one the shadow of a moral title to compensation. But if these lands are sold to individuals, they become hereditary, and can only be repurchased by the State at their full value as a perpetuity.

Neither would this compulsory sale be attended with any of the advantages in the form of increased production, which would result from facilitating the voluntary sale of land by individual to individual. As long as, by the theory and practice of landed proprietorship, the landlord of an estate is a mere sinecurist quartered on it, improvement by the landlord is an accident dependent on his personal tastes. But he who sells his land, voluntarily or from necessity, is almost always below the average of landlords in disposition and ability to improve ; the tendency of the

change of proprietors is, therefore, in favour of improvement. But there is no reason to think that public bodies in general are worse than average landlords in any particular; it is matter of common remark that they are less grasping: and, if they do not come up to the most enterprising landlords in what they themselves accomplish, they leave more power of improvement, and more encouragement to it, to their tenants, than the majority of private landlords. It would, therefore, be no gain, but all loss, to reinforce the enemies of the reform of landed tenure by the addition of a new class of wealthy hereditary landholders, quartered upon land which is as yet devoted more or less faithfully to public uses. If public bodies are required to part with their lands, they should part with them to the State, and to that alone.

Whether it is desirable that such bodies should be holders of lands; whether it is wise that their time and attention should be divided between their appointed duties, certain to be enforced with increasing strictness as improvement goes on, and the management of a tenantry, with the duties which, if private property in land continues to exist, are sure to be more and more attached to it,—is a question of the future, which it may be left to the future to decide. We do not think it can be properly decided, until the fermentation now going on in the public mind respecting the constitution of landed property, has subsided into a definite conviction respecting the end to be aimed at

and the means of practically drawing nearer to that end. But the time has come for announcing with the utmost decision, and we hope to see land reformers uniting as one body in the demand, that no private appropriation of land, not yet private property, shall hereafter take place under any circumstances or on any pretext.

SPEECH  
ON  
LAND TENURE REFORM.

*Delivered 18th March, 1873.*

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IN invoking the assistance of this meeting to our efforts for Land Tenure Reform, many explanations that would have been absolutely necessary as lately as two years ago may now be dispensed with. It is no longer necessary to begin at the very beginning to show how there comes to be a land question, and what the question is. The newspapers and the speeches of Members of Parliament and others are full of it; friends and enemies have alike helped to bring it into notice; and we now read everywhere of Land Tenure Reform, and the unearned increment of rent.

Most of you probably know, at least in a general way, the creed and aims of the Land Reformers, and I need only, at present, briefly remind you of them. We hold that land—in which term we include mines and the whole raw material of the globe—is a kind of property unlike any other. The rights of private individuals to something which they did not make, or help to make, but which came to them by bequest or inheritance from people who also did not make it, or help to make it, are a totally different thing from

the right of every one to the product of his own labours and sacrifices, or to the product of the labours and sacrifices of those who freely gave it to him. What a man has earned by his labour, or by the expenditure of what has been saved from previous earnings, he has a fair claim to do what he likes with, subject only to the general rules of morality. But he who detains the land—a thing not made by man, a thing necessary to life, and of which there is not enough for all—is in a privileged position. Whether it is right or wrong that he should be in such a position, he is so. He is, in a word, a monopolist; and a monopoly should be exercised, not at the mere will and pleasure of the possessor, but in the manner most consistent with the general good; the State has exactly the same right to control it that it has to control, for instance, the railways.

The Land Reformers are of opinion that the time has arrived for the State to re-assert this right, to correct the abuses of landed property, and adapt it better to the wants and interests of the community considered as a whole. How far the modifications should reach is a point on which all Land Reformers are not yet agreed. I need only speak of those which are advocated by this Association. Without going the length of those who think that the nation should re-possess itself of all private lands, subject to a just compensation, we yet maintain that at least no further appropriation of lands which are not already private property should be permitted. We protest against



the conversion of public or corporate lands into private property. Still more indignantly do we protest against any more Acts of Parliament for dividing the common lands of the country among the neighbouring landholders. Instead of giving the lands to the rich, and a miserable pretence of compensation to the poor, we insist that the lands should be for the poor, and the compensation for the rich—compensation for what their manorial and other rights now bring in to them; for the most part a very small value. We further maintain that permission to own the land does not necessarily carry with it a right to the increase of value which the land is constantly acquiring by the mere progress of the public prosperity. We affirm that this spontaneous increase of value may justly be taken for the public by means of special taxation. These are the two chief points of our programme:—First, no more land, under any pretext, to become the private property of individuals; secondly, taxation on the land, in order to give the benefit of its natural increase of value to the whole community, instead of to the proprietors, these being allowed the option of relinquishing the land at its present money value.

Let us consider these points one by one.

Few persons are less inclined than I am to call hard names; it is generally best, even when we are protesting against an injustice, to protest against it under the most moderate appellation which it admits of. But there are cases when things ought to be called

by names which throw no veil over their enormity, and I confess that I cannot speak of the existing practice of dividing the common lands among the landlords by any gentler name than robbery—robbery of the poor. It will, of course, be said that people cannot be robbed of what is not theirs, and that the commons are not the legal property of the poor. Certainly not; our masters have taken care of that. They have taken care that the poor shall not acquire property by custom, as all other classes have done. But if the commons are not the property of the poor, they are just as little the property of those who take them. They cannot make them their property without an Act of Parliament, and they have had no difficulty in obtaining any number of such Acts from two Houses of their own making as often as they pleased, whether the Government was Liberal or Conservative. It is only in the last three years that they have been forced, to their own great indignation, to grant a temporary respite, chiefly by the public-spirited exertions of Professor Fawcett and of that very valuable body, the Commons Preservation Society. The commons are not the private property of any one. Their history has been written in several recent books, and should be known to every man, woman, and child. There was a time when much of the land of the country was not appropriated, but was open to all the population of the neighbourhood to feed their cattle, and occasionally to grow corn upon it, turn and turn about, without permanent occupancy. When, for the sake of

better agriculture, this system had to be given up, the land ought at least to have been fairly portioned out among all who were interested in it. Instead of this, a great part was usurped with a high hand by the powerful landholders, at a time when few dared resist them ; another great part has since been filched away by the successors of the same people, in the more civilized method of Enclosure Acts. The commons of the present day are what is left. We are willing to condone the past, if they will only leave us the remainder. The private rights that exist in those lands are limited rights. The Lord of the Manor has rights, the principal of which is the exclusive right of killing game. The neighbours have what are called rights of common—that is, rights of pasturage, of wood-cutting, of turf-cutting, and, in general, rights to the spontaneous produce of the soil ; and those rights have hitherto been sufficient to prevent the land from being enclosed and cultivated.

The question is therefore quite fresh, and open to the judgment of the nation, whether it will suffer these lands to be enclosed and cultivated ; and, if at all, for whose benefit ? Hitherto, it has been for the benefit of the landlords. The Law Courts hold that none but landholders have rights of common, and that no one else is entitled either to a share of land or to compensation for its being taken away from the people. It matters not though every cottager who had a cow, or a pig, or a goose, may, from time immemorial, have turned them out to feed on the common.

The Courts are constantly making new laws; but they would not make law for that. Yet they could have done so if they liked. They have never had any difficulty in converting custom into law. The bulk of our law consists of customs which have been made law by decisions of the Courts. They could just as easily have decided, had they so pleased, that the whole population had common rights as that the landlords had; but they did not so please. In spite of this, however, the commons are not property for purposes of cultivation; and when Parliament, by a special Act, removes the obstacles to their cultivation, Parliament by so doing creates a new and valuable property which has not yet passed into private hands, and which, retained by the State, would be a source of considerable revenue. If Parliament profess to give this property away gratis, is it to the rich that it should be given? To create a valuable property for the rich by expelling the poor from that use of the land for pasturage which they enjoyed in practice, though not by legal right, and along with it from the use of the land for healthful recreation, and from the power of wandering over it at will when they have no other place in which to enjoy Nature except dusty roads—can anything be more like Ahab the King's seizure of Naboth's little vineyard, or the rich man in the parable, who, with his great flocks and herds, could not be happy without robbing his poor neighbour of his single ewe lamb?

I shall be accused, I suppose, of exciting your pas-

sions. I am not ashamed of the charge. I want to excite your passions. Without passion we shall never get this great iniquity put an end to. Our Liberal Government is as bad on this subject as the Tories—perhaps even worse. The passion of the many is needed to conquer the self-interest of the few. That is the proper use of political passions. Its improper use is when it is directed against persons. Great allowance ought to be made for people who merely go on doing what they and their predecessors have long done, and have never until quite recently been told was unjust. Let them learn that, without any hatred of them, we stand here for justice. Once take away their power of doing this wrong, and before long their eyes will be unsealed, and they will see the injustice as clearly as we see it.

The other of the two chief points of our programme—the claim of the State to the unearned increase of rent—requires rather more explanation, as it is not yet equally familiar, though the time has already come when it is listened to, and it is probably destined to become an article of the creed of advanced reformers.

The land of the world—the raw material of the globe—in all prosperous countries constantly increases in value. The landlord need only sit still and let nature work for him; or, to speak truly, not nature, but the labour of other men. What is it that has produced the prodigiously increased demand for building land, which has created the colossal fortunes of the Grosvenors, the Portmans, the Stanleys, and others of

our great families? It is the growth of manufactures and the increase of towns. And what has produced that? Your labour and outlay; not that of the landlords. The same labour and outlay—namely, yours, not theirs—produces a steady increase of demand for agricultural and mining products, causing prices to rise and rents to increase. No other portion of the community has a similar advantage. The labouring classes do not find their wages steadily rising as their numbers increase; and even capital—its interest and profit—instead of increasing, brings a less and less percentage as wealth and population advance. The landlords alone are in possession of a strict monopoly, becoming more and more lucrative whether they do anything or nothing for the soil. This is of little consequence in a country like America, where there is plenty of unused land, waiting for any one who chooses to go and cultivate it; but in an old country like ours, with limited land and a growing population, it is a great and increasing grievance.

We want the people of England to say to the landlords, “You are welcome to every increase of rent that you can show to be the effect of anything you have done for the land; but what you get by the mere rise of the price of your commodity compared with others—what you gain by our loss—is not the effect of your exertions, but of ours, and not you but we ought to have it.” They will say, “But we bought our land as a property increasing in value, and the probable increase was considered in the price.” Our answer to

that is, "If you are dissatisfied, give up the land, we will pay you back what you gave for it, and even what you could have sold it for yesterday morning. That is all you have a right to ; we give you that, and the nation will gain the difference between the present and future value." It does not seem to me possible to contest the justice of this arrangement, provided it can be made to work, but many persons think that it would not work. They say it would be impossible to ascertain the amount of the unearned increase of rent. It would be impossible, if we attempted to cut too close. The amount could not be ascertained within a few pounds.

But we do not want to attempt anything impracticable : neither do we wish to be harsh. We are willing to leave an ample margin for mistakes ; but we demand the recognition of the principle, that a kind of property which rises in value while other kinds remain stationary or fall, may justly, on that account, be subjected to special taxation. When it is notorious that rents have increased, and are increasing, not only where there has been improvement by the landlord, but where there has been no improvement, or improvement solely by the tenant, a tax which takes from the landlord no more than that increase is within the just rights of the State. It might be necessary to have a periodical valuation of the rental of the country, say once in ten or once in twenty years. The landlords could easily keep a record of their improvements. Let them retain all increase which they could

show to be of their own creating, make a fair allowance for any diminution of the value of money, give them the benefit of every doubt, and lay on the remainder as a tax to the State. If the country continues prosperous, this tax would in time produce a considerable revenue, to the great relief of the taxpayers; while any landlord who thought himself harshly dealt with could avail himself of the option of resigning his land on the terms originally offered—namely, at the price he could have obtained for it before the introduction of the new system.

This is our doctrine of the unearned increment, and you may depend on it that the difficulties which people are afraid of would prove, when fairly faced, to be little more than phantoms. The valuation of land for purposes of taxation is the general practice of Europe; a re-valuation is made occasionally everywhere, and periodically in the greater part of British India. It would only remain to have a valuation of improvements, and that is now acknowledged to be not only practicable, but indispensable, as the basis of a just tenant right. There is nothing a Government can do that does not look frightfully difficult, until we consider how much more difficult things a Government already does. Every attempt to apportion taxation fairly among the different members of the community is as difficult, and in its complete perfection as impossible, as what we propose. This which we propose is far easier than to make a just income-tax, and would not give rise to anything like the same amount of unfairness and fraud.



# THE RIGHT

OF

## PROPERTY IN LAND.\*

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**R**IGHTS of property are of several kinds. There is the property which a person has in things that he himself has made. There is property in what one has received as a recompense for making something for somebody else ; or for doing any service to somebody else ; among which services must be reckoned that of lending to him what one has made, or honestly come by. There is property in what has been freely given to one, during life or at death, by the person who made it, or honestly came by it : whatever may have been the motive of the gift ; personal affection, or because one had some just claim on him, or because he thought one would use it well, or as he would most wish it to be used. All these are rights to things which are the produce of labour : and they all resolve themselves into the right of every person to do as he pleases with his own labour, and with the produce or earnings of his labour, either by applying them to his own use, or exchanging them for other things, or bestowing them upon other persons at his own choice.

But there is another kind of property which does

\* Written for the Land Tenure Reform Association, April 1873.

not come under any of these descriptions, nor depend upon this principle. This is, the ownership which persons are allowed to exercise over things not made by themselves, nor made at all. Such is property in land; including in that term what is under the surface as well as what is upon it. This kind of property, if legitimate, must rest on some other justification than the right of the labourer to what he has created by his labour. The land is not of man's creation; and for a person to appropriate to himself a mere gift of nature, not made to him in particular, but which belonged as much to all others until he took possession of it, is *primâ facie* an injustice to all the rest. Even if he did not obtain it by usurpation, but by just distribution; even if, at the first foundation of a settlement, the land was equitably parcelled out among all the settlers (which has sometimes been the case), there is an apparent wrong to posterity, or at least to all those subsequently born who do not inherit a share. To make such an institution just, it must be shown to be conducive to the general interest, in which this disinherited portion of the community has its part.

The general verdict of civilised nations has hitherto been that this justification does exist. The private appropriation of land has been deemed to be beneficial to those who do not, as well as to those who do, obtain a share. And in what manner beneficial? Let us take particular note of this. Beneficial, because the strongest interest which the community, and the human race, have in the land, is that it should yield

the largest amount of food, and other necessary or useful things, required by the community. Now, though the land itself is not the work of human beings, its produce is : and, to obtain enough of that produce, somebody must exert much labour, and, in order that this labour may be supported, must expend a considerable amount of the savings of previous labour. Now we have been taught by experience that the great majority of mankind will work much harder, and make much greater pecuniary sacrifices for themselves and their immediate descendants, than for the public. In order, therefore, to give the greatest encouragement to production, it has been thought right that individuals should have an exclusive property in land, so that they may have the most possible to gain by making the land as productive as they can, and may be in no danger of being hindered from doing so by the interference of any one else. This is the reason usually assigned for allowing the land to be private property, and it is the best reason that can be given.

Now, when we know the reason of a thing, we know what ought to be its limits. The limits of the reason ought to be the limits of the thing. The thing itself should stop where the reason stops. The land not having been made by the owner, nor by any one to whose rights he has succeeded ; and the justification of private ownership of land being the interest it gives to the owner in the good cultivation of the land ; the rights of the owner ought not to be stretched further than this purpose requires. No rights to the land

should be recognised which do not act as a motive to the person who has power over it, to make it as productive, or otherwise as useful to mankind, as possible. Anything beyond this exceeds the reason of the case, and is an injustice to the remainder of the community.

It cannot be said that landed property, as it exists in the United Kingdom, conforms to this condition. The legal rights of the landlord much exceed what is necessary to afford a motive to improvement. They do worse; they tend, in many ways, to obstruct, and do really obstruct, improvement.

For one thing, the landlord has the right, which he often exercises, of keeping the land not only unimproved, but uncultivated, in order to maintain an inordinate quantity of wild animals for what he calls sport. This right, at all events, cannot be defended as a means of promoting improvement.

Again, if the purpose in allowing private ownership of the land were to provide the strongest possible motive to its good cultivation, the ownership would be vested in the actual cultivator. But in England almost all the land of the country is cultivated by tenant farmers, who not only are not the proprietors, but, in the majority of cases, have not even a lease, but may be dispossessed at six months' notice. If those lands are well cultivated, it cannot be in consequence of the rights of the landlord. If those rights have any effect at all on cultivation, it must be to make it bad, not good. If farmers with such a tenure culti-

vate well, it is a proof that property in land is not necessary for good cultivation.

But (it will be said), if the mere cultivation can be and is satisfactorily carried on by tenants-at-will, it is not so with the great and costly improvements which have converted so much barren land into fertile. The returns to those improvements are slow ; and a temporary holder, even if he has the necessary capital, will not make them. They can seldom be made, and, in point of fact, seldom are made, by any one but the proprietor. And, as a certain number of landed proprietors do make such improvements, the institution of property in land is thought to be sufficiently vindicated.

Giving all the weight to this consideration which it is entitled to, the claim it gives to the landlord is not to all the possible proceeds of the land ; but to such part of them only as are the result of his own improvements, or of improvements made by predecessors in whose place he stands. Whatever portion of them is due, not to his labour or outlay, but to the labour and outlay of other people, should belong to those other people. If the tenant has added anything to the value of the land beyond the duration of his tenancy, the landlord should be bound to purchase the improvement, whether permanent or temporary, at its full value. If the nation at large, by their successful exertions to increase the wealth of the country, have enhanced the value of the land independently of anything done by the landlord or the tenant, that

increase of value should belong to the nation. That it should do so is not only consistent with the principles on which landed property confessedly depends for its justification, but is a consequence of those very principles.

Now, the labours of the nation at large do add daily and yearly to the value of the land, whether the landlord plays the part of an improver or not. The growth of towns, the extension of manufactures, the increase of population, consequent on increased employment, create a constantly increasing demand for land, both for the habitations of the people, and for the supply of food and the materials of clothing. They also create a constantly increasing demand for coal, iron, and all the other produce of mining industry. By this increase of demand the landed proprietors largely profit, without in any way contributing to it. The income from rural lands has a constant tendency to increase; that from building lands still more: and with this increase of their incomes the owners of the land have nothing to do except to receive it.

The Land Tenure Reform Association claim this increase for those who are its real authors. They do not propose to deprive the landlords of their present rents, nor of anything which they may hereafter add to those rents by their own improvements. The future Unearned Increase is what the Association seek to withdraw from them, and to retain for those to whose labours and sacrifices, from generation to generation, it will really be due. The means by which

it is proposed to accomplish this, is Special Taxation. Over and above the fair share of the landlords in the general taxation of the public, they may justly be required to pay hereafter a special tax, within the limits of the increase which may accrue to their present income from causes independent of themselves.

Against this proposal it is objected, that many landholders have bought the lands they hold, and in buying them had in view not only their present rental, but the probability of future increase; of which increase, therefore, it would be unjust to deprive them. But the Association do not propose to deprive them of it without compensation. In the plan of the Association, the landlords would have the right reserved to them of parting with their land to the State, immediately or at any future time, at the price for which they could sell it at the time when the plan is adopted. By availing themselves of this option, they would not only get back whatever they had paid for the prospect of future increase, but would obtain the full price for which they could have sold that future prospect at the time when the new system was introduced. They would be left, therefore, in a pecuniary sense, exactly as well off as they were before: while the State would gain the difference between the price of the land at the time and the higher value which, according to all probability, it would afterwards rise to. There would be no transfer of private property to the State, but only an interception by the State of an increase of property, which would otherwise accrue at a future

time to private individuals without their giving any value for it; since they would have been reimbursed, whatever money they had given, and would even have received the full present value of their expectations. /

There is another objection commonly made, which is disposed of by the same answer. It is often said that land, and particularly land in towns, is liable to lose value as well as to gain it. Certain quarters of London cease to be fashionable, and are deserted by their opulent inhabitants; certain towns lose a portion of their trading prosperity when railway communication enables purchasers to supply themselves cheaply from elsewhere. Those cases, however, are the exception, not the rule: and when they occur, what is lost in one quarter is gained in another, and there is the general gain due to the prosperity of the country besides. If some landlords, for exceptional reasons, do not partake in the benefit, neither will they have to pay the tax. They will be exactly where they are now. If it be said that as they took the chance of a diminution they ought to have the counterbalancing chance of an increase, the answer is that the power of giving up the land at its existing price, in which both chances are allowed for, makes the matter even. Indeed, more than even. No one would benefit so much by the proposed measure as those whose land might afterwards fall in value; for they would be able to claim the former price from the State, although they could no longer obtain so much from individuals. By giving up the rise of value, they would obtain an



actual State guarantee against a fall. And this would be no loss to the State; for every such fall in one quarter, unless owing to a decline of the general prosperity, implies a corresponding rise somewhere else, of which rise the State would have the benefit.

A third objection is sometimes made. Land, it is said, is not the only article of property which rises in value from the mere effect of the advance of national wealth, independently of anything done by the proprietor. Pictures by the old masters, ancient sculptures, rare curiosities of all sorts, have the same tendency. If it is not unjust to deprive the landlord of the unearned increase of the value of his land, by the same rule the increase of value of Raphaels and Titians might be taken from their fortunate possessor and appropriated by the State.

Were this true in principle, it would lead to no consequences in practice, since the revenue which could be obtained by even a very high tax on these rare and scattered possessions would not be worth consideration to a prosperous country. But it is not true, even in principle.

Objects of art, however rare or incomparable, differ from land and its contents in this essential particular, that they are products of labour. Objects of high art, are products not only of labour but of sacrifice. The pains, patience, and care necessary for producing works which will be competed for by future ages, are far from being those from which the greatest immediate, and especially the greatest pecuniary, advantage is

reaped by the artist. Such works almost always imply renunciation of a great part of the gains which might easily have been obtained by hasty and marketable productions ; and often could not be produced at all unless the few purchasers who are able to distinguish the immortal from the ephemeral could feel that they might, without imprudence, pay a high price for works which would be a fortune to their descendants. The prospective rise in price of works of art is by no means an unearned increase : the best productions of genius and skill alone obtain that honour, while the increasing value of land is indiscriminate. Governments do not think it improper to disburse considerable sums in order to foster high art and encourage the taste for it among the public. Much more, then, should they not grudge to the artist what may come to him spontaneously from the estimate which good judges form of what his productions may sell for long after he is dead. I grant that in many cases the increased value does not reach the artist himself, but is an addition, and sometimes an unlooked-for addition, to the gains of a middleman, who may have bought at a very moderate price, works which subsequent accident or fashion suddenly bring into vogue. This is a contingency to which artists, like all other workmen, are liable ; if they are unable to wait they may be obliged to sell their future chances below the true value, to somebody who can. But they obtain, on the average, a higher remuneration for their labour than they could obtain if they had no

such chances to sell. And it must be remembered that, along with his chances of profit, the dealer takes the risk of loss. Changes in the public taste and judgment may take place either way ; if some works which may have been bought cheap acquire a high value, others for which a high price has been paid go out of fashion, gradually, or even suddenly. If dealers are exposed to the one chance, they must have the benefit of the other. Were they deprived of it, their useful function, by which, until replaced by something better, artists are greatly benefited, could not be carried on.

Neither can it be said, as in the case of land, that receiving the market price of the day would compensate the holder for the chances of future increase. There is no market price of such things ; and the future increase has no common standard of estimation ; it is a matter of individual judgment, and, even if an average could be struck, it would not compensate any one for the disappointment of his own expectation. The objection, therefore, from the supposed parallel case fails in its application : the cases are not really parallel.\*

\* In so far as there does exist any parallelism, its consequences should be accepted. The right of property in things which, being unique, belong in some sense to the whole human race, assuredly ought not to be absolute. If a half-insane millionaire took it into his head to buy up the pictures of the great masters for the purpose of destroying them, the State ought to stop his proceedings, if not to punish him for the mischief he had already done. It may hereafter be thought right to require that those who possess such treasures should either open their galleries to public view, or at least lend the

Other objectors say, that if it is allowable to take the unearned increase of the value of land, it must, for the same reasons, be allowable to take for the public the unearned increase of the price of railway shares. But the fallacy is here so transparent as scarcely to require pointing out. In the first place, every penny which is obtained by railway shareholders is not the gift of nature, but the earnings, and recompense, of human labour and thrift. In the next place, railway shares fall in price as frequently as they rise; which is far from being the case with land. If it be said that the prosperity of the country tends to increase the gains of railway shareholders as well as those of landlords, the same national prosperity leads to the creation of competing railroads, and of new and comparatively unproductive branches, so as to take away from the old shareholders with one hand, nearly, if not quite, as much as it bestows on them with the other. The two cases, therefore, differ in the essential point.

contents from time to time for the purpose of exhibition; and should allow to artists, under reasonable restrictions, regular access to them for the purpose of reproduction or of study. With regard to other possessions of public interest, such as architectural remains and historical monuments generally, they ought to be, if not acquired by the State, placed under State protection. The pretence of right to destroy them, or to make any change which would impair their historical interest, ought not for a moment to be listened to. The preservation of such monuments is one of the articles in the programme of the Land Tenure Reform Association. Had it been conceded fifty years ago, many interesting relics of antiquity would have been still in existence, which are now irreparably lost.

We have now, we think, exhausted the objections of principle which are usually made to the detention by the State of the unearned increment of rent. It has, we think, been shown that they are all of them such as a very little consideration of the subject is sufficient to dispel. But, besides these theoretical, there are practical objections, in appearance more formidable, but, as we shall be able to show, quite as inconclusive.

It is alleged, that, granting the justice of claiming the unearned increase for the State, there are no means of ascertaining what it is. It would be impossible (it is said) to distinguish the increase of rent which arises from the general progress of society, from that which is owing to the skill and outlay of the proprietor: and in intercepting the former, there would be perpetual danger of unjustly encroaching upon the latter.

There would be some ground for this objection in a country of peasant proprietors. The improvements made by such a class of landowners consist more in the ungrudging and assiduous application of their own labour and care, and in attention to small gains and petty savings, than in important works, or in the expenditure of money. It would really be very difficult, if not impossible, to determine how much the proprietor and his family had done in any given number of years, to improve the productiveness or add to the value of the land.

But it is quite otherwise with the improvements made by rich landlords, like those who own nearly all

the soil of the British Islands. What they do for the land is done by outlay of money, through the agency of skilled engineers and superintendents. It is easy to register operations (for instance) of thorough drainage, and to ascertain and record, as one of the elements in the case, the cost of those operations. Their effect in adding to the value of the land has a natural measure in the increased rent which a solvent tenant would be willing to pay for it; and the whole of that increase, whether great or small, we would leave to the landlord.

The possibility of a valuation of unexhausted improvements is assumed as a matter of notoriety in all the discussions, now so common, respecting Tenant Right. It is already a custom in many parts of England to compensate an outgoing tenant for these improvements: what is a custom in many places will soon, it is probable, be made a legal obligation in all; and among the objections made to its imposition by law, we are never told of the impossibility of doing it. But if it is possible to value the effect of temporary improvements, why should it be impossible to value the effect of permanent improvements? A Bill compelling a valuation of both, and giving compensation for both alike, has been introduced into the House of Commons by a high agricultural authority, Mr. James Howard, and has met with influential support.

Yet if this be possible, the object is completely attained, for there is no other difficulty. The fact of an increase of rent is easily ascertained. There is no-

thing needed but the trouble and expense of registering the facts. It might be necessary to have a survey of the whole country, ascertaining and recording the conditions of every tenancy, and to renew this operation periodically, say every ten or twenty years. This is not so difficult as the cadastral operations of some continental countries, or the revenue surveys of British India: for these undertake to determine, by special inquiry, what rent each piece of land is capable of yielding. In the proposed survey it would suffice to record what it does yield; allowing the landlord, if he can, to prove that it is under-rented, in which case he ought not to suffer for his past moderation.

It should be understood, also, that no intention is entertained of paring down the increment of rent to the utmost farthing. We assert in principle, the right of taking it all: in practice we have no desire to insist upon the extreme right, at any risk of going beyond it. No doubt, the option allowed to the landlord of giving up the land at its existing value, would secure him against pecuniary wrong; but we should be sorry to trade upon his reluctance to give up an ancestral possession, or ~~one~~ endeared to him by association. We would leave, therefore, an ample margin by way of insurance against mistakes in the valuation. We would not insist upon taking the last penny of the unearned increase. But we maintain that within that limit, taxation on the land, in addition to the landlord's share of all other taxes, may justly be, and ought to be, imposed. We contend

that a tax on land, not preceding but following the future increase of its value, and increasing with that increase, is a legitimate financial resource; and that it is for the individual landlord, by making an authentic record of what he does for the land, to preserve evidence that its increase of rent is the consequence and rightful reward of his own intelligent improvements.

This is the meaning of the fourth article in the programme of the Land Tenure Reform Association; and the reasons which have now been given are its justification. The more it is considered, the more general, we believe, will be the adhesion to it of those whose regard for property is not a superstition but an intelligent conviction, and who do not consider landlords as entitled to pecuniary privilege, but only to equal justice.

THE END.